PA 14-217—HB 5597
Emergency Certification

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2015

SUMMARY: This act makes changes to implement the state budget for FY 15 as well as many other unrelated changes. Among its major provisions, the act:

1. expands the scope of the Connecticut False Claims Act, which prohibits the filing of false or fraudulent claims for human services program payment or approval (§§ 1-18 & 257);
2. requires municipalities to update their local Emergency Medical Services (EMS) plans and establishes new provisions relating to removal of municipalities' primary service area responders (PSARs) (§§ 19-22);
3. establishes, as part of the Connecticut Higher Education Trust (CHET), the Baby CHET Scholars Fund account for children enrolled in CHET within the first year after birth or adoption (§§ 27-34);
4. returns administrative duties for the state's rental rebate program for the elderly and disabled to the Office of Policy and Management (OPM) and expands certain individuals' rebate eligibility (§§ 48-54 & 258);
5. alters various education laws, including those on interdistrict magnet schools, to comply with the latest phase of the settlement for Hartford's *Sheff v. O'Neill* school desegregation case (§§ 89-107);
6. expands the range of measures the court may enter in civil restraining order cases to include certain financial orders, such as an order to pay rent or a mortgage on the family home (§§ 120 & 129);
7. requires the Finance, Revenue and Bonding chairpersons to convene a panel of experts to study the overall state and local tax structure (§ 137);
8. establishes a legal framework for forming a for-profit corporation that both pursues social benefits and increases value for its shareholders (benefit corporation or b-corp) (§§ 140-157);
9. approves certain provisions in contracts collectively bargained by the state and certain family child care providers and personal care attendants (PCAs) that supersede a law or regulation (§§ 159 & 227);
10. establishes the "Go Back to Get Ahead" program, administered by the Board of Regents for Higher Education (BOR), to encourage former students to return to a higher education institution and complete a degree program (§ 176);
11. creates the Connecticut Retirement Security Board, which must study the feasibility of implementing a publicly administered retirement savings plan (§§ 180-185);
12. allows the Superior Court to issue a new "civil protection order" to protect

certain sexual abuse, sexual assault, or stalking victims (§§ 186-190);
13. increases the penalties for certain violations of a protective, standing criminal protective, or civil restraining order (§§ 122-128);
14. criminalizes the operation of Internet sweepstakes cafes (§§ 201-203);
15. allows the services of certain licensed behavioral health clinicians to be included in the Medicaid state plan for recipients age 21 and older (§ 220); and
16. reduces the retirement salary for certain judges, family support magistrates, and compensation commissioners, and prohibits any judge from receiving more than one pension from state employment (§ 252).

The act also makes numerous minor, technical, and conforming changes.

A section-by-section analysis of the act appears below. Sections not described below were either deleted from the act (§§ 130, 213, & 237-247) or make technical changes (§§ 110 & 111).

EFFECTIVE DATE: July 1, 2014; two technical changes (§§ 108 & 111) are effective upon passage, and other effective dates are noted below.

§§ 1-18 & 257 — CONNECTICUT FALSE CLAIMS ACT (CFCA) EXPANSION

The act expands the scope of the law that prohibits anyone from knowingly filing false or fraudulent claims for human services program payment or approval. It does so by repealing the former CFCA, replacing it with substantially similar provisions, and making conforming changes.

It extends, to all state-administered health and human services programs, provisions of the former CFCA that ban the following actions in Department of Social Services (DSS) medical assistance programs:

1. knowingly presenting, or causing to be presented, a false or fraudulent claim for payment or approval;
2. knowingly making, using, or causing to be made or used, a false record or statement material to a false or fraudulent claim;
3. being authorized to make or deliver a document certifying receipt of property used, or to be used, by the state relative to these programs and, with intent to defraud the state, make or deliver the document without completely knowing that the information in it is true;
4. knowingly buying, or receiving as a pledge of an obligation or debt, public property from a state employee or officer who may not legally sell or pledge the property;
5. knowingly making, using, or causing to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state;
6. knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the state; or
7. conspiring to commit the above actions.

Prior law also prohibited anyone with possession, custody, or control of property or money used, or to be used, by the state for DSS medical assistance

programs, and, with intent to defraud the state or willfully conceal the property, from (1) delivering or causing to be delivered less property than the amount for which the person receives a receipt or certificate or (2) conspiring to do so. The act:

1. similarly expands this prohibition to all state-administered health or human services programs and
2. lowers the threshold by which someone is guilty of violating this provision by removing the need to act with the intent to defraud the state or willfully conceal the property and instead requiring the act to be committed knowingly.

State-Administered Health or Human Services Programs

Under the act, "state-administered health or human services programs" include programs administered by the:

1. Department on Aging and DSS;
2. departments of children and families (DCF), developmental services (DDS), mental health and addiction services (DMHAS), public health (DPH), and rehabilitation services (DORS);
3. Office of Early Childhood (OEC); and
4. Department of Administrative Services (DAS), for workers' compensation medical claims, including those reimbursed by the federal government.

They also include state employee, retiree, and other health programs administered by the State Comptroller's Office.

EFFECTIVE DATE: Upon passage

§§ 19-22 — EMS AND PSARs

The act makes several changes concerning EMS and PSARs. By law, a "primary service area" (PSA) is a specific geographic area to which DPH assigns a designated EMS provider for each category of emergency medical response services. These providers are termed PSARs (CGS § 19a-175).

EFFECTIVE DATE: October 1, 2014, except the provisions on PSAR sales and buyer approval are effective upon passage.

§ 19 — Local EMS Plan Updates and DPH Review

By law, each municipality must establish a local EMS plan containing specified information.

The plan must include:

1. the written agreements or contracts between the town, its EMS providers, and the public safety answering point covering the municipality;
2. identification of specified EMS levels;
3. the name of the person or entity responsible for each EMS level identified;
4. performance standards for each part of the town's EMS system; and
5. any subcontracts, written agreements, or mutual aid call agreements EMS providers have with other entities to provide services identified in the plan (CGS § 19a-181b(a)).

The act requires each municipality to update its plan as it determines necessary. In updating its plan, a municipality must consult with its PSAR. Upon request, DPH must assist municipalities with the updating process by (1) providing technical assistance and (2) helping to resolve disagreements (presumably between the municipality and PSAR) concerning the plan.

The act also requires DPH, at least every five years, to review local EMS plans and PSARs' provision of services under them. In conducting the reviews, DPH must (1) evaluate whether each PSAR has complied with applicable laws and regulations and (2) rate their services as meeting, exceeding, or failing to comply with, performance standards.

If DPH rates a PSAR as failing, the DPH commissioner may require it to comply with a department-developed performance improvement plan. PSARs rated as failing may also be subject to (1) later performance reviews or (2) removal as the town's PSAR for failing to improve their performance, as explained below.

§ 20 —PSAR Removal

The act allows the DPH commissioner to initiate a hearing on her own and remove the PSAR if she rated it as failing to comply with performance standards and the responder subsequently fails to improve its performance.

By law, a municipality can also petition the commissioner to remove a PSAR that is not meeting certain standards. This applies to PSARs that are (1) notified for initial response, (2) responsible for basic life support, or (3) responsible for services above basic life support. The commissioner can revoke a PSAR assignment, after a contested case hearing, if she determines that these standards are not met or it is in the best interests of patient care to do so.

Under prior law, a municipality could file a petition at any time based on an allegation that an emergency existed and the safety, health, and welfare of the PSA's citizens were jeopardized by the responder's performance. The act refers to "performance crisis" rather than "emergency," and defines the term to mean that the:

1. PSAR failed to (a) respond to at least 50% of first-call responses in any rolling three-month period and (b) comply with any corrective action plan agreement between the PSAR and municipality or
2. sponsor hospital refuses to endorse or recommend the PSAR due to unresolved issues relating to the PSAR's quality of patient care. (By law, a sponsor hospital provides medical oversight, supervision, and direction to an EMS organization and its personnel.)

By law, a municipality can also file a removal petition, not more than once every three years, based on a responder's unsatisfactory performance. Prior law specified that "unsatisfactory performance" was determined under the local EMS plan and associated agreements or contracts. The act instead defines the term as a PSAR's failure to deliver services in accordance with the local EMS plan and also failure to do any of the following:

1. respond to at least 80% of first-call responses, excluding those the municipality excused in any rolling 12-month review period;

2. meet defined response time standards agreed to between the municipality and responder, excluding responses the municipality excused, and (b) comply with a mutually agreed-upon corrective action plan;
3. investigate and adequately respond to complaints about emergency care quality or response times, on a repeated basis;
4. report adverse events as required by the DPH commissioner or under the local EMS plan, on a repeated basis;
5. communicate (a) changes to service level or coverage patterns that materially affect service delivery as required under the local EMS plan or (b) an intent to change service in a manner inconsistent with the plan; or
6. communicate changes in its organizational structure likely to negatively affect its service delivery.

The act requires the commissioner or her designee to open a municipal petition within (1) five business days after receipt, for petitions alleging a performance crisis or (2) 15 business days after receipt, for those alleging unsatisfactory performance. She must conclude her investigation within (1) 30 days after receipt for petitions alleging a performance crisis or (2) 90 days after receipt for those alleging unsatisfactory performance.

The act allows the commissioner, based on the facts alleged, to reclassify a performance crisis petition as an unsatisfactory performance petition and vice versa. If she does so, she must comply with the timeframes corresponding with her reclassification.

The act authorizes the commissioner to develop and implement procedures for designating temporary responders while a performance crisis petition is under review. It also prohibits a PSAR, while a municipal petition to remove the PSAR is pending, from transferring its responsibilities to another responder.

§ 21 — Sale or Transfer of PSAR

Under the act, before a PSAR sells or transfers more than half of its ownership interest or assets, it must give at least 60 days' notice to (1) DPH and (2) the chief elected official or chief executive officer of the municipality where the PSAR is assigned. The intended buyer or transferee must apply to DPH for approval on a form the commissioner prescribes.

In deciding whether to approve the transaction, the commissioner must consider the applicant's (1) performance history in Connecticut or other states and (2) financial ability to perform PSAR responsibilities under the local EMS plan.

The act gives the commissioner 45 days to approve or reject the application and allows her to hold a hearing on it. She also must consult with any municipality or sponsor hospital in the PSA in making her determination.

§ 22 — Alternative Local EMS Plan for Municipalities Seeking PSAR Change

Under certain circumstances, the act requires municipalities seeking a change in their PSARs to submit alternative local EMS plans to DPH. This applies when the:

1. municipality's current PSAR fails to meet the standards outlined in the local plan;

2. municipality establishes a performance crisis or unsatisfactory performance, as defined above;
3. PSAR does not meet a performance measure set by regulation;
4. municipality develops a plan to regionalize service; or
5. municipality (a) develops a plan that will improve or maintain patient care and (b) can align with a new PSAR that is better suited than the current one to meet the community's needs.

Under the act, the alternative plan must include the name of a recommended PSAR for each category of emergency medical response services.

Within 45 days after a municipality submits the alternative local EMS plan, each new recommended PSAR that agrees to be considered for the PSA designation must apply to the commissioner, on a form she prescribes.

If the commissioner receives such an alternative plan, she must hold a hearing for which she must give the municipality's current PSAR at least 30 days' written notice. The current PSAR must have an opportunity to be heard and can submit information for the commissioner's consideration.

In deciding whether to approve the plan, the commissioner must consider any relevant factors, including the:

1. plan's impact on (a) patient care, (b) EMS system design, including system sustainability, and (c) the local, regional, and statewide EMS system;
2. recommendation of the sponsor hospital's medical oversight staff; and
3. financial impact to the municipality without compromising the quality of patient care.

Under the act, if the commissioner approves the alternative plan and the application of the recommended PSAR, she must issue a written decision to reassign the PSA in accordance with the alternative plan, including the date the reassignment takes effect. The act requires the current PSAR to continue to deliver services in accordance with the local EMS plan until the effective date of the reassignment set forth in the commissioner's decision.

§§ 23-26 — ELECTRONIC CHECK-IN OF VOTERS

The act authorizes official checkers to use a secretary of the state-approved electronic device to check in electors at the polls during a primary, election, or referendum. By law, official checkers are responsible for verifying electors' identification and checking their names on the official registry list before they are permitted to vote.

The secretary of the state, in consultation and coordination with UConn, must (1) review electronic devices that could assist checkers in checking electors' names and (2) by September 1, 2015, create a list of devices she approves for use and make it available to municipalities in a manner she chooses. She may add devices to, or remove devices from, the list as she determines necessary.

If an electronic device is used to check in electors, the act requires that (1) it be returned to the registrars of voters after the polls close and (2) the registrars print the electronic registry list and sign it. The registrars must deposit the printed electronic registry list in the town clerk's office the following day, as existing law

requires them to do with the paper registry list. The checkers must use the paper registry list to check in voters if the electronic device becomes inoperable.

By law, official checkers must provide the election moderator with a certificate immediately after the polls close stating the (1) number of names on the registry or enrollment list and (2) number checked as having voted in that election or primary. The act eliminates requirements that (1) checkers provide this certificate in duplicate to the moderator and (2) the moderator place the duplicate copy with the election return and voted ballots from the polling place in the town clerk's office by the next day.

The act eliminates a requirement that at least two electors next in line to vote be admitted into the polling area to receive a ballot. Finally, it makes technical changes, including substituting "voting booth area" for "voting booth" when referring to the space around a voting booth.

EFFECTIVE DATE: Upon passage

§§ 27-34— CHET BABY SCHOLARS FUND

Administration

The act authorizes state incentive payments for people who establish college saving plans under the state-sponsored CHET. A plan qualifies for these payments if the child was born or legally adopted on or after January 1, 2014 and lives in Connecticut when the state makes the payments. The act also establishes a separate, nonlapsing account (CHET Baby Scholars Fund) to fund these payments.

The State Treasurer's Office must fund the payments from the CHET Baby Scholars Fund account. The treasurer may enter into one or more contractual agreements specifying the conditions for making incentive payments and tap the account to cover the cost of creating and administering it.

Incentive Payments

Parents can obtain incentive payments for their children by entering into a participation agreement with the treasurer. Under the act, the treasurer must make up to two incentive payments to the savings plan of a participating child. She must make an initial $100 payment to the plan of a child who entered the program by his or her first birthday or within one year after the child's legal adoption. She must make a subsequent $150 payment to the plan if it received at least $150 in deposits (excluding the treasurer's initial $100 contribution) before the child's fourth birthday or within four years after his or her legal adoption.

Income Tax Refunds

The act allows taxpayers to contribute any portion of their state income tax refund to (1) an individual CHET plan, including one created under the Baby Scholars Fund, or (2) the Baby Scholars Fund instead of a specific plan. To help taxpayers who want to make these contributions, the revenue services commissioner must modify tax return forms and include program information and

contacts in the forms' instructions.

The commissioner must revise the forms to include spaces allowing taxpayers to indicate (1) their intentions to contribute a portion of their returns, to a designated plan beneficiary or the CHET Baby Scholars Fund and, (2) if applicable, the beneficiary's name and social security number. The form must indicate, for taxpayers contributing to the Baby Scholars Fund and not a plan beneficiary, that the contribution will not go to a specific beneficiary.

The instructions must describe CHET and the Baby Scholars Fund and specify how taxpayers may contact the treasurer about them or provide links to her website.

Existing law (1) allows taxpayers to contribute a portion of their returns to accounts established for specific purposes, including organ transplants, AIDS and breast cancer research, and safety net services, and (2) requires the commissioner to modify tax return forms and instructions for these purposes.

Under prior law, the commissioner, with the OPM secretary's approval, could tap up to 7.5% of the funds in the accounts established for these purposes to cover administrative costs. The act specifies that he may tap up to 7.5% of the funds remaining in the accounts to cover these costs. It bars the commissioner from tapping CHET funds to cover the cost of modifying tax return forms and the instructions.

CHET Assets

People often qualify for state assistance based on income and other assets. The act bans the state from considering funds in CHET accounts in determining a person's eligibility for the (1) Temporary Family Assistance (TFA) program, (2) Low-Income Home Energy Assistance Program, (3) federally funded weatherization assistance program, or (4) need-based institutional grants offered at the state's public colleges and universities.

EFFECTIVE DATE: July 1, 2014, except for CHET fund exclusion when determining specified program eligibility and various conforming and technical changes, which take effect upon passage.

§§ 35-43, 169, & 259 — CONNECTICUT STUDENT LOAN FOUNDATION (CSLF)

Connecticut Health and Educational Facilities Authority (CHEFA) Quasi-Public Subsidiary

The act reconstitutes CSLF as a quasi-public subsidiary of CHEFA. Under prior law, CSLF was an independent, state-chartered nonprofit corporation created to make or guarantee loans under the Federal Family Education Loan Program. It stopped making new loans, sold its loan guarantee portfolio in 2009, and now performs mostly administrative duties, although it retained its power to make or guarantee loans.

As a quasi-public agency, CSLF must comply with the statutes governing such agencies. Among other things, it must obtain the state treasurer's approval before issuing bonds or incurring other debt backed by the state. CSLF must also

protect its directors, officers, and employees from liability and indemnify them for certain losses when performing their duties.

In becoming a CHEFA subsidiary, CSLF enjoys the same privileges, immunities, tax exemptions, and other exemptions as CHEFA, and CSLF's liability does not extend beyond its assets, revenue, and resources. CSLF continues to exercise its powers under existing law. To help CSLF exercise those powers, CHEFA may support CSLF's operations and receive compensation for doing so. Such support includes providing space, equipment, supplies, and employees.

CHEFA and CSLF have the authority to take any actions necessary to maintain CSFL's status as a federal tax-exempt organization. Otherwise, the act makes no changes to CHEFA's powers and responsibilities.

Board of Directors

The act eliminates CSLF's 14-member board on July 1, 2014 and replaces it with the Connecticut Higher Education Supplemental Authority's (CHESLA) nine-member board. (CHESLA is a CHEFA subsidiary.) CSFL's board consisted of state higher educational officials, people with financing and accounting backgrounds, and legislative appointees. CHESLA's board includes state officials, CHEFA board members, and an expert in state and municipal finances. Members of the reconstituted CSLF board must comply with the State Code of Ethics for Public Officials, which, among other things, prohibits them from having a financial interest or engaging in any business, employment, transaction, or professional activity that conflicts substantially with the proper discharge of their duties.

The act authorizes CHEFA's board to remove any CSLF board member for misfeasance, malfeasance, or neglect of duty. The chairperson of CHESLA's board serves as the chairperson of CSLF's reconstituted board. The new CSLF board must annually elect a vice chairperson from its members. The board members are not compensated for their service but are reimbursed for necessary expenses related to their duties. They must also take the oath of office prescribed in Article XI of the State Constitution, a record of which must be filed with the secretary of the state.

The board must adopt CSLF's bylaws and hold regular and special meetings. A majority of the members constitute a quorum for conducting business, and a majority of those present at these meetings must decide matters, unless the bylaws require otherwise. The board may elect an executive committee to conduct CSLF's business in between board meetings. The committee must consist of at least five members.

The reconstituted CSLF board may distribute any excess funds to CHEFA or its subsidiaries to provide financial assistance to qualified students attending higher education institutions. The assistance includes financial literacy education and loans, scholarships, and grants.

CSLF's board may appoint CSLF's executive director, who must be a CHEFA or CHESLA employee but serves at the pleasure of the CSLF board. The director's duties include supervising CSLF activities; keeping a record of CSLF

proceedings; and maintaining CSLF's books, documents, and papers. The director, like the board members, must comply with the State Code of Ethics for Public Officials.

The statutory liability and indemnification protections apply to CHEFA and CHESLA officers, directors, designees, and employees appointed as CSLF members, directors, or officers. They also apply to CHEFA employees appointed as CSLF officers. These appointed officials are not personally liable for CSLF's debts, obligations, or liabilities. CSLF must, and CHEFA may, protect, save harmless, and indemnify them.

§§ 44 & 45 — MASHANTUCKET PEQUOT AND MOHEGAN FUND

Under prior law, $135 million of the gaming revenue the state received from the Mashantucket Pequot tribe was annually transferred from the General Fund to the Mashantucket Pequot and Mohegan Fund, and OPM distributed the funds as grants to towns. The act eliminates the $135 million transfer and instead, each fiscal year beginning with FY 15, requires the transfer to equal the amount of the budget appropriation to the fund.

Beginning with the close of FY 15 and at the close of each subsequent fiscal year, the act requires the (1) OPM secretary to certify to the comptroller the amount he withheld from grants to a municipality and (2) comptroller to deposit the withholding into the General Fund. By law, the OPM secretary can withhold up to $4,000 a year from each municipality that fails to send the state the portions of fees the municipality collects from each applicant for a planning, wetlands and watercourse, and coastal permit.

§ 46 — POLICE TRAINING ON DEALING WITH PEOPLE WITH MENTAL ILLNESS

The act requires police basic and review training programs conducted or administered by the State Police, Police Officer Standards and Training Council (POST), or municipal police departments, to include a course on handling incidents involving people affected with a serious mental illness. In practice, both the State Police and POST provide such training.

EFFECTIVE DATE: October 1, 2014

§ 47 — DRY CLEANING ESTABLISHMENT REMEDIATION PROGRAM

The act eliminates the annual transfer of funds from the dry cleaning remediation account to the Department of Economic and Community Development (DECD) to cover DECD's administrative costs for the Dry Cleaning Establishment Remediation program. Under prior law, DECD annually received from the account the greater of $100,000 or 5% of the account's maximum balance in the previous year.

The program provides grants for eligible dry cleaning businesses to prevent, contain, and remediate pollution from hazardous chemicals dry cleaners use. It is

funded through a 1% surcharge on dry cleaning gross retail receipts.

§§ 48-54 & 258 — RENTAL REBATE PROGRAM

PA 13-234, among other things, (1) transferred administration of the state's rental rebate program for the elderly and people with total and permanent disabilities from OPM to the Department of Housing (DOH) and (2) limited program eligibility to individuals who received rebates in calendar year 2011 and continued to receive them in subsequent years. It also made conforming changes related to this transfer, including (1) establishing an appeals procedure within DOH and (2) requiring DOH to report annually to the governor and legislature on the program.

The act largely restores the program to its status prior to July 1, 2013, the date the applicable sections of PA 13-234 took effect, by (1) returning administration of the rental rebate program to OPM, (2) eliminating the requirement that eligible rebate applicants must have received a rebate in calendar year 2011 and each subsequent year, and (3) making numerous conforming changes. However, the act retains provisions in PA 13-234 (1) extending the period, from 90 to 120 days, for approving payments to municipalities and forwarding them to the comptroller and (2) requiring the DSS commissioner to disclose certain information for purposes of administering the rental rebate program.

Additionally, under the act, if the OPM secretary determines a renter was overpaid, he may reduce the amount of subsequent rebates to recoup the amount of the overpayment. Aggrieved claimants have the right to appeal the secretary's decision.

EFFECTIVE DATE: Upon passage and applicable to rebate applications made on or after April 1, 2014.

§ 55 — ABANDONED MEDALS IN A SAFE DEPOSIT BOX

By law, a banking or financial institution in possession of abandoned personal property obtained from a safe deposit box or other safekeeping repository must sell the property and give the state treasurer the sale proceeds, minus any lawfully withheld charges. The act creates an exception for military medals. These medals may not be sold. The act requires the holder to give the treasurer any records for such medals she deems appropriate.

The act requires banks or financial institutions to transfer military medals presumed abandoned to the Department of Veterans' Affairs (DVA) using treasurer-approved procedures. The treasurer and DVA commissioner must enter into a memorandum of understanding (MOU) on how to handle the medals. The DVA must hold the medals in custody according to the terms of the MOU. The treasurer may make any information she obtains about abandoned property, including any photograph or other visual depiction of the military medals, but excluding Social Security numbers, available to the public to help identify the original owner or his or her heirs or beneficiaries.

§ 56 — SCHOOL BUILDING PROJECTS ADVISORY COUNCIL

The act increases School Building Projects Advisory Council membership from five to seven. It requires the governor to appoint two members in addition to the three he appoints under existing law: one with school safety experience and another with State Building Code administration experience. Existing law requires the remaining membership to consist of: (1) the OPM secretary and the DAS commissioner, or their designees and (2) three other governor's appointees, one with experience in school building projects, one in architecture, and one in engineering.

By law, the council must (1) develop model blueprints for new school building projects that comply with industry and school safety infrastructure standards; (2) conduct studies, research, and analyses; and (3) recommend improvements to school building project processes to the governor and legislative committees.

EFFECTIVE DATE: Upon passage

§§ 57-65, 210, & 259 — SOLDIERS', SAILORS' AND MARINES' FUND (SSMF)

By law, the SSMF is a trust fund that provides assistance, such as food, clothing, and medical aid, to qualified veterans and their families.

PA 13-247, §§ 121-122, transferred the SSMF's administration from a state agency of the same name to the American Legion on July 1, 2014. By law, the state treasurer retains custody of the fund and responsibility for investing any amount not required for disbursement.

§ 57 — SSMF Disbursements

The act requires the treasurer to annually disburse at least $2 million from the fund to the American Legion to pay for veterans' benefits. It requires the treasurer to make the annual disbursements from the fund's (1) interest earnings and (2) principal, if the interest earnings are not enough to cover the required disbursements. Prior law required the fund's disbursements to be made only from the fund's interest earnings. The American Legion must use these funds to provide certain statutorily defined assistance to qualified veterans and their families.

The act bars the American Legion from using SSMF disbursements to administer the fund. Prior law allowed the state agency to use up to $300,000 of the interest earnings to do so. The act also requires the American Legion to (1) return any unused funds to the fund's principal at the end of each year and (2) promptly turn over all gifts, bequests, and donations it receives to support the SSMF to the treasurer, who must add them to the fund's principal.

The act eliminates the requirement that the treasurer reserve $100,000 of the fund's interest earnings for contingent purposes.

§ 58 — Public Availability of Fund Information

Prior law allowed the SSMF administrator to make available at each town clerk's office (1) a copy of the fund's regulations and (2) aid applications. The act instead requires the American Legion to make the (1) regulations, as well as its bylaws, available online and (2) aid applications available to the clerks.

§ 59 — SSMF Denial Hearing

The act increases, from 10 to 15 days, the amount of time an applicant denied SSMF benefits may request a hearing on the denial. By law, the SSMF administrator must reply in writing within five days of receiving such a request with information on the place and date of the hearing, which must be within 30 days of mailing the notice.

Under the act, the administrator may make an audio or audiovisual recording of the hearing instead of a transcript.

§ 60 —Review Board

Under prior law, anyone aggrieved by the administrator's decision could appeal to a three-member review board composed of the adjutant general, attorney general, and the DVA commissioner, or their designees. The act replaces this board with at least three American Legion State Fund Commission members as specified by the American Legion's bylaws. As under existing law, anyone aggrieved by the review board's decision may appeal to Superior Court. But the act eliminates the requirement that the appeal to Superior Court be done according to the Uniform Administrative Procedure Act (UAPA), which sets out certain procedural requirements (e.g., filing deadlines (CGS § 4-183)).

§ 61 — Expanded Fund Uses

The act expands the allowable uses of the SSMF's funds to include providing (1) temporary income; (2) shelter; and (3) expenses related to food, clothing, or shelter. Prior law allowed funds to be used only to provide benefits such as food; clothing; and medical, surgical, and funeral assistance to needy wartime veterans and their families.

The act also eliminates the requirement that the American Legion's treasurer report annually to the governor and the General Assembly in January, April, July, and October on money disbursements made during the preceding three months.

§ 62 — Fund Accountability

The act increases the frequency with which the American Legion must have an independent audit conducted of the SSMF. It does so by requiring an audit annually by January 15 instead of biennially on the same date.

It limits the audit's scope to SSMF expenditures by eliminating requirements that the audit report include (1) a detailed description of the fund's investments; (2) a description of the investment returns, including interest, dividends, and realized and unrealized capital gains by investment type; (3) the fund balance and earned interest for the current year and the estimated earned interest for the following year; and (4) any other information required to be reported to the

treasurer.

The act instead requires the audit report to include (1) a detailed description of the American Legion's administrative and operating expenditures for administering the fund and (2) the names, titles, and compensation of the fund's administrative staff. The report must continue to report expenditures by type and amount. The act specifies that the (1) list must include the number of people who receive aid and (2) expenditures must be listed by month.

Prior law required the American Legion to submit the audit report, within seven days of receiving it, to the treasurer and Finance, Revenue and Bonding Committee. The act instead requires the legion to submit the report, within the same time period, to the auditors of public accounts, OPM, and Appropriations Committee. By law, this report must also be submitted to the Veterans' Affairs Committee.

The act requires the American Legion to make the report available to the public electronically only, rather than both electronically and in print.

§§ 63-65 — SSMF Operations Transfer to American Legion

Equipment and Documents. Under the act, all SSMF furniture, equipment, and supplies in the SSMF's possession on June 30, 2014 must be transferred to the American Legion at no cost to the Legion. The state must retain the documents in SSMF's possession on June 30, 2014 in accordance with the state's record retention requirements, unless the state librarian allows the American Legion to retain temporary custody of the documents, subject to any conditions he imposes.

Office Space. The act allows the American Legion to use office space in state-owned or –leased buildings subject to reasonable office rent or lease costs, with DAS approval. But it specifies that with DAS and OPM approval, the American Legion cannot be charged for offices in locations where the space was provided on the same basis as of June 30, 2014.

CORE-CT. The act allows those American Legion personnel with CORE-CT access on June 30, 2014 to continue to have such access, with the comptroller's approval, during FY 15 for an orderly transition of accounting, human resources, payroll, and other functions. CORE-CT is the statewide accounting and personnel system.

§ 210 — FY 15 SSMF Appropriations

The act specifies that the DVA's $635,000 FY 15 appropriations for SSMF administration cannot be reduced during the fiscal year.

EFFECTIVE DATE: Upon passage

§ 259 — Expenses Incurred Using Certain Premises

The act eliminates a provision allowing the expenses the state incurs for supervising, caring for, and controlling the premises used by the SSMF administrator to be charged against the fund's interest.

§ 66 — HEALTH AND WELFARE FEE

The act requires the Insurance Department to deposit the "health and welfare fee" in the Insurance Fund instead of the General Fund. By law, the insurance commissioner assesses this fee annually against each (1) domestic insurer and HMO conducting health insurance business in Connecticut, (2) third-party administrator (TPA) providing administrative services for self-insured health benefit plans, and (3) domestic insurer exempt from TPA licensure who administers self-insured health benefits.

By law, the health and welfare fee is used to pay for the purchase, storage, and distribution of vaccines under DPH's Connecticut Vaccine Program, as well as for other vaccine, biologic, and antibiotic purchase and distribution. The OPM secretary, in consultation with DPH, must annually determine the amount appropriated for these purposes.

The act also requires the insurance commissioner to (1) identify the health and welfare fee as such on the annual statement he sends to each assessed entity; (2) calculate, in consultation with the DPH commissioner, the difference between the OPM secretary's appropriation and actual expenditures from the prior fiscal year; and (3) adjust the health and welfare fee by the calculated difference.

§ 67 — PUBLIC UTILITIES REGULATORY SETTLEMENTS WITH SUPPLIERS

The law allows the Public Utilities Regulatory Authority (PURA) to (1) impose civil penalties on electric suppliers, among other entities, that violate the laws on utilities and (2) enter into settlement agreements with violators. The act requires that the amount of any settlement executed prior to June 30, 2014 between the Attorney General's Office and an electric supplier be deposited into a separate non-lapsing account to fund PURA for expenses relating to consumer assistance, consumer education, and enforcement activity relating to electric suppliers.

PURA must obtain the OPM secretary's approval to access money in the account and can only use the money for the purposes, in the amounts, and at such times, as approved by the secretary.

EFFECTIVE DATE: Upon passage

§ 68 — REPORTING ON CONNECTICUT STATE UNIVERSITY SYSTEM (CSUS) INITIATIVES

The act requires BOR to appear twice before relevant legislative committees and submit monthly written reports to the committees and OPM on four initiatives related to the CSUS. Specifically, BOR must report on expenditures and programming related to:

1. developmental education, a type of remedial academic support;
2. the Go Back to Get Ahead program (described in § 176 below), established by this act to encourage individuals to return to school and earn an associate's or bachelor's degree;
3. the state's early college/dual enrollment program; and
4. the transformation of the CSUS.

The act requires BOR to appear before the Higher Education and Employment Advancement and Appropriations committees to report on these topics by September 1, 2014 and again by December 1, 2014. It also requires BOR to submit monthly written reports on these topics to these committees and OPM by October 1, 2014 and through June 1, 2015.
EFFECTIVE DATE: Upon passage

§§ 69-70 — FALL PREVENTION PROGRAM OVERSIGHT AND AGING DEPARTMENT

A 2013 law transferred oversight of DSS' Fall Prevention Program to the Department on Aging (PA 13-125). The act makes conforming changes. By law, the program must (1) promote and support fall prevention research; (2) oversee research and demonstration projects; and (3) establish, in consultation with the DPH commissioner, a professional education program on fall prevention for healthcare providers.
EFFECTIVE DATE: Upon passage

§ 71 — DMHAS HOUSING SUBSIDIES

By law, the DMHAS commissioner, within available appropriations, may provide housing-related subsidies to people who receive DMHAS services. The act specifies that these subsidies are for people who qualify for supportive housing under the state's permanent supportive housing initiative, which the department operates in collaboration with several other state agencies. (PA 14-46 increases the number of agencies with whom DMHAS must collaborate in administering the supportive housing initiative and gives the agencies more discretion in determining eligibility under the program.)

The act gives the commissioner the authority to permit agencies who distribute these subsidies on DMHAS' behalf to use any unspent money remaining at the end of a fiscal year for the same purpose in the following fiscal year.

(PA 14-138 contains identical provisions but with a later effective date.)
EFFECTIVE DATE: Upon passage

§ 72 — SECURITY DEPOSIT GUARANTEE PROGRAM

By law, DOH, through its Security Deposit Guarantee Program and within available appropriations, must provide security deposit guarantees (payment for any damages that occur) to financially eligible people living in emergency housing or receiving a government rental subsidy. The act requires the DOH commissioner to prioritize providing these guarantees to eligible veterans. The law allows her to establish priorities for providing guarantees to eligible applicants to administer the program within available appropriations.

§ 73 — CONNECTICUT HOME CARE PROGRAM FOR ADULTS WITH DISABILITIES (CHCPD) EXPANSION

The act increases, from 50 to 100, the number of people who may receive services through CHCPD. CHCPD, a state-funded pilot program administered by DSS, provides home- and community-based services to certain people with disabilities as an alternative to nursing home care.

§ 74 — MEDICAID OVER-THE-COUNTER DRUG COVERAGE EXPANSION

The act expands the types of over-the-counter drugs that DSS may pay for through its medical assistance programs to include those that must be covered as essential health benefits under the federal Affordable Care Act (ACA), including drugs rated "A" or "B" in the current U.S. Preventive Services Task Force (USPSTF) recommendations for people with specific diagnoses (see Background). USPSTF's recommendations currently include (1) aspirin for men age 45 to 79 and women age 55 to 79 to prevent cardiovascular disease and (2) folic acid for women who are pregnant or capable of pregnancy. The law generally bans DSS from paying for over-the-counter drugs, with the following exceptions:

1. over-the-counter drug coverage through the Connecticut AIDS Drug Assistance Program;
2. insulin or insulin syringes;
3. nutritional supplements for people who must be tube fed or who cannot safely get nutrition in any other form; and
4. smoking cessation drugs.

EFFECTIVE DATE: Upon passage

Background — USPSTF

The USPSTF is an independent panel of primary care providers who are experts in prevention and evidence-based medicine. The panel develops recommendations for primary clinicians and health systems based on scientific evidence reviews of clinical preventive health care services. The USPSTF assigns preventive services it recommends a grade of "A" (there is a high certainty that the net benefit is substantial) or "B" (there is a high certainty that the net benefit is moderate or a moderate certainty that the net benefit is moderate to substantial).

Since September 23, 2010, the ACA has required new individual and group health insurance plans to provide full coverage for preventive care and screenings that the USPSTF recommends, including vaccinations and cancer screenings (42 USC § 300gg-13(a)).

§ 75 — MANUFACTURERS' DISCLOSURE REQUIREMENTS FOR PAYMENTS TO APRNS

PA 14-12 requires manufacturers of covered drugs, devices, biologicals, and medical supplies to report on payments or other transfers of value they make to advanced practice registered nurses (APRNs) practicing in Connecticut. This act requires manufacturers to report the information to the Department of Consumer Protection (DCP), instead of DPH, quarterly in the form and manner the DCP

commissioner prescribes. The act makes the first report due by July 1, 2015, instead of January 1, 2015. It also allows the DCP commissioner, instead of the DPH commissioner, to publish the information on his department's website.

The law applies to manufacturers of drugs, devices, biologicals, or medical supplies covered by Medicare or Medicaid, including a Medicaid waiver. The law does not apply to transfers made indirectly to an APRN through a third party, in connection with an activity or service in which the manufacturer is unaware of the APRN's identity.

EFFECTIVE DATE: October 1, 2014

§ 76 — LIMITATION ON MEDICAID ESTATE RECOVERY

By law, the state has a claim against the estates of certain former public assistance recipients, including Medicaid recipients, to recover the cost of assistance provided. The act exempts Medicaid recipients in the Medicaid Coverage for the Lowest Income Populations program from this provision, except to the extent federal law requires such recovery. The exemption applies to services provided on or after January 1, 2014.

For this population, federal law requires states to recover costs from the estates of Medicaid recipients who, at age 55 or older, received (1) nursing facility services, (2) home- and community-based services, or (3) related hospital and prescription drug services. Federal law allows states to recover any other services under the state Medicaid plan, except for services related to Medicare cost-sharing.

EFFECTIVE DATE: Upon passage

§ 77 — HOSPITAL FACILITY FEES

The act requires the state comptroller to study and report on how facility fees and the total fees hospitals or health systems charge or bill for outpatient hospital service impact state employees' health insurance plans. It defines a "facility fee" as any hospital or health system fee charged for outpatient services provided in a facility the hospital or health system owns or operates that is (1) separate and distinct from the fee charged for providing professional medical services and (2) intended to compensate the hospital or health system for its operational expenses. A "health system" is a (1) parent corporation of one or more hospitals and any entity affiliated with the parent corporation through ownership, governance, membership, or other means or (2) hospital and any entity affiliated with it through ownership, governance, membership, or other means.

By December 1, 2014, the act requires the comptroller to analyze the facility fees and total fees' impact on the state employee plans. The analysis must include at least five service types or categories for which (1) hospitals or health systems charge facility fees or (2) the total fees charged by a hospital or health system exceed those charged by other medical service providers for comparable services.

By March 1, 2015, the comptroller must determine the amount of facility fees and total fees charged by hospitals or health systems for the selected service types

or categories, on an aggregate basis and by individual hospitals and health systems. The comptroller must make this determination in collaboration with insurers or third-party administrators that issue or administer the state employee health insurance plans. He must also determine the fees' appropriateness and reasonableness using criteria that include:

1. a comparison of a typical facility fee in proportion to the professional fee charged by a medical service provider,
2. a comparison of the total fees charged by a provider before and after the provider became affiliated with a hospital or health system, and
3. the extent to which the facility fee or any increase in total fees charged by a hospital or health system is associated with improving enrollees' service and outcomes.

Lastly, the comptroller must determine the feasibility of removing the fees he deems inappropriate or unreasonable by July 1, 2015.

By October 1, 2015, the act requires the comptroller to submit a report on his analysis and determinations to the governor, General Assembly, and Health Care Cost Containment Committee (HCCCC). The report must include how limiting facility or total fees would affect state employees' health insurance plans and their enrollees.

The act allows the comptroller to consult with the HCCCC to implement any of these requirements. (The HCCCC is a state labor and management committee that exists under a collective bargaining agreement with the State Employees' Bargaining Agent Coalition.)

EFFECTIVE DATE: Upon passage

§ 78 — DSS ANALYSIS

The act requires DSS to analyze, by November 1, 2014, the cost of providing services under the (1) Connecticut Home-care Program for the Elderly and (2) pilot program to provide home care services to persons with disabilities. The DSS commissioner must determine necessary reimbursement rates for providers and report, by January 1, 2015, a summary of the analysis to the Appropriations and Human Services committees.

EFFECTIVE DATE: Upon passage

§ 79 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)

The act establishes the 35-member JJPOC to evaluate and report on (1) juvenile justice system policies and (2) the extension of juvenile jurisdiction to 16- and 17-year-olds. The committee includes legislators, Executive and Judicial Branch officials, child and youth advocates, and parents or parent advocates. The committee's reporting responsibilities end on January 1, 2017.

Committee Members and Appointments

The 35-member committee consists of:

1. two legislators, one appointed by the Senate president pro tempore and the other by the House speaker;
2. the chairpersons and ranking members of the Appropriations, Children's, Human Services, and Judiciary committees, or their designees;
3. the chief court administrator or his designee;
4. a Superior Court judge for juvenile matters, appointed by the chief justice;
5. the Judicial Branch's Court Support Services Division (CSSD) executive director or his designee;
6. the Superior Court operations division's executive director or his designee;
7. the chief public defender or her designee;
8. the chief state's attorney or his designee;
9. the commissioners of (a) DCF, (b) Department of Correction (DOC), (c) State Department of Education (SDE), and (d) DMHAS, or their designees;
10. the Connecticut Police Chiefs Association president or his designee;
11. two child or youth advocates, each appointed by the JJPOC's chairpersons;
12. two parents or parent advocates, one each appointed by the Senate and House minority leaders (at least one of whom must be the parent of a child who has been involved with the juvenile justice system);
13. the child advocate or her designee; and
14. the OPM secretary or his designee.

All appointments must be made by July 13, 2014 and any vacancies must be filled by the appointing authority. All committee members must serve without compensation, except for expenses incurred in the performance of their duties.

The OPM secretary, or his designee, and a legislator jointly selected by the Senate president pro tempore and the House speaker from among JJPOC's members, must chair the committee. The chairpersons must schedule and hold the first meeting by August 12, 2014.

Reporting Requirements

The act requires JJPOC to submit specific reports to the Appropriations, Children's, Human Services, and Judiciary committees and the OPM secretary by January 1, 2015, July 1, 2015, and quarterly from then until January 1, 2017. As outlined below, each report must include specific recommendations to improve outcomes and a timeline by which to achieve specific tasks or outcomes. JJPOC must submit these reports after consulting with one or more organizations that focus on relevant children and youth issues, such as the University of New Haven and any of the university's institutes. It must also work in collaboration with any initiative implemented by the Results First Policy Oversight Committee, which PA 13-247 established to advise on the development and implementation of the Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation Results First cost-benefit assessment model.

January 1, 2015 Report. Under the act, JJPOC must, by January 1, 2015, submit a report:

1. recommending any statutory changes in the juvenile justice system to (a) improve public safety; (b) promote the best interests of children and youth under the supervision, care, or custody of the DCF commissioner or CSSD; (c) improve transparency and accountability with respect to state-funded services for children and youth in the juvenile justice system with an emphasis on the goals identified by the committee for community-based programs and facility-based interventions; and (d) promote the efficient sharing of information between DCF and the Judicial Branch to ensure regular collection and reporting of recidivism data and promote public welfare and public safety outcomes related to the juvenile justice system;
2. recommending (a) a definition of "recidivism" state agencies with juvenile justice system responsibilities can use and (b) ways to reduce recidivism for children and youth in the juvenile justice system;
3. setting short-term goals to be met within six months, medium-term goals to be met within 12 months, and long-term goals to be met within 18 months, for JJPOC and state agencies with juvenile justice system responsibilities, after considering existing relevant reports related to the juvenile justice system and any related state strategic plan;
4. determining the impact of legislation that expanded the juvenile court jurisdiction to include persons age 16 and 17, as measured by the following: (a) any change in the average age of children and youth involved in the juvenile justice system; (b) the types of services used by designated age groups and the outcomes of those services; (c) the types of delinquent acts or criminal offenses that children and youth have been charged with since the enactment and implementation of the legislation; and (d) the gaps in services the committee identifies with respect to children and youth involved in the system, including those who turn age 18 after being involved in the system, and recommendations to address such gaps (Connecticut raised the age of juvenile court jurisdiction to include 16-year-olds on January 1, 2010 and 17-year-olds on July 1, 2012); and
5. identifying strengths and barriers that support or impede the educational needs of children and youth in the juvenile justice system, with specific recommendations for reforms, according to a timeframe JJPOC must establish for reviewing and reporting on this initiative.

July 1, 2015 Report. The act requires JJPOC, by July 1, 2015, to submit a report on the following:

1. the quality and accessibility of diversionary programs available to children and youth in the state, including juvenile review boards and services for a child or youth who is a member of a family with service needs (FWSN) (see Background);
2. an assessment of the system of community-based services for children and youth under the supervision, care, or custody of the DCF commissioner or CSSD;
3. an assessment of the congregate care settings that are operated privately or

by the state and have housed children and youth involved in the juvenile justice system in the past 12 months;
4. an examination of how SDE, local boards of education, DCF, DMHAS, CSSD, and other appropriate agencies can collaborate through school-based efforts and other processes, to reduce the number of children and youth who enter the juvenile justice system as a result of being a member of a FWSN or convicted as delinquent;
5. an examination of practices and procedures that result in a disproportionate number of minority youth coming into contact with the juvenile justice system;
6. a plan to require that all facilities and programs that are part of the juvenile justice system and are operated privately or by the state provide results-based accountability (i.e., expected goals are clearly articulated and data is regularly collected and reported to determine whether goals have been achieved); and
7. an assessment of the number of children and youth who, after being under DCF's supervision, are convicted as delinquent.

JJPOC must establish a timeframe for reviewing and reporting regarding the responsibilities outlined above.

The July 1, 2015 report must also include an assessment of the overlap between the juvenile justice system and the mental health care system for children.

Quarterly Reports. JJPOC must submit quarterly reports on the progress of its goals and measures starting by July 1, 2015 until January 1, 2017.

EFFECTIVE DATE: Upon passage

Background — FWSN

"Family with service needs" means a family that includes a child at least age seven and under age 18 who:
1. has, without just cause, run away from the parental home or other properly authorized and lawful residence;
2. is beyond the control of his or her parent, parents, guardian, or other custodian;
3. has engaged in indecent or immoral conduct;
4. is a truant or habitual truant or who, while in school, continuously and overtly defies school rules and regulations; or
5. is age 13 or older and has engaged in sexual intercourse with a person age 13 or older who is not more than two years older or younger than him or her (CGS § 46b-120(5)).

§§ 80-82 — DOC PROGRAM EVALUATIONS

The act transfers $330,000 of DOC's Other Expenses FY 15 appropriation to DOC's new Program Evaluation account. DOC must use the money for training, quality assurance, and evaluation of programs to support community reentry and community programs. The money may be used for training programs for staff of

(1) private, nonprofit providers; (2) DOC, including parole officers; and (3) other state agencies and municipalities. The Institute for Municipal and Regional Policy at Central Connecticut State University (IMRP) may include the quality assurance findings and program evaluation data in its Results First Initiative project.

The act also requires the DOC commissioner, by May 31, 2015, to assess the effectiveness of DOC's (1) vocational education programs and (2) Medication Assisted Therapy pilot project for people in DOC custody. Each assessment must consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to the programs and project. (The Results First Initiative works with states to implement an innovative cost-benefit analysis approach that helps them invest in effective policies and programs.) After conducting the assessment, the commissioner must determine whether any program changes may be implemented to improve the cost-effectiveness of the programs or the project.

By June 30, 2015, the commissioner must report to the Appropriations and Judiciary committees and the Results First Policy Oversight Committee (1) describing each assessment, (2) identifying any program and project changes implemented by DOC as a result of the assessment, and (3) recommending additional statutory or program changes that may improve cost-effectiveness.
EFFECTIVE DATE: Upon passage, except for the fund transfer, which is effective July 1, 2014.

§ 83 — EVALUATION OF FAMILY THERAPY PROGRAMS

The act requires IMRP, by May 31, 2015, to assess the effectiveness of the multidimensional family therapy program administered by DCF for people committed to the custody of both DCF and CSSD. The assessment must consider findings from the Results First Initiative's cost-benefit analysis model regarding this program. IMRP, DCF, and CSSD must enter into a memorandum of understanding relating to the institute's assessment. After conducting the assessment, IMRP, in consultation with DCF and CSSD, must recommend changes to improve the program's cost-effectiveness.

By June 30, 2015, IMRP must report to the Appropriations, Children's, and Judiciary committees and the Results First Policy Oversight Committee (1) describing the assessment; (2) identifying any program changes implemented by DCF as a result of the assessment; and (3) making any recommendations that IMRP, the DCF commissioner, and CSSD consider appropriate for additional statutory or program changes that may improve the program's cost-effectiveness.
EFFECTIVE DATE: Upon passage

§ 84 — EVALUATION OF DCF PROGRAMS

The act requires IMRP, by May 31, 2015, to assess the effectiveness of juvenile parole services programs administered by DCF for people committed to its custody. The assessment must consider findings from the Results First Initiative's cost-benefit analysis model regarding these programs. After

conducting the assessment, the institute, in consultation with DCF, must recommend program changes that may improve the programs' cost-effectiveness.

By June 30, 2015, the institute must report to the Appropriations and Children's committees and the Results First Policy Oversight Committee (1) describing the assessment, (2) identifying any program changes implemented by DCF as a result of the assessment, and (3) making any recommendations that the institute and the DCF commissioner consider appropriate for additional statutory or program changes that may improve the programs' cost-effectiveness.

EFFECTIVE DATE: Upon passage

§ 85 — FAMILY VIOLENCE MEDIATION PILOT PROGRAM

The act requires the Judicial Branch, within available appropriations, to establish a family violence mediation pilot program on the juvenile docket in two judicial districts for children who commit delinquent acts of family violence. Mediation services may be provided by private agencies under contract with CSSD.

The act requires, by July 1, 2015, (1) CSSD, within available appropriations, to evaluate the program and the feasibility of expanding it to other districts and (2) the CSSD executive director to report on the evaluation to the Judiciary Committee and the JJPOC (see § 79).

Under the act, parties to an alleged delinquent act involving family violence may agree to participate in mediation with an impartial third party approved by the Superior Court to work toward a mutually satisfactory disposition. A juvenile probation officer, or the court, upon motion of any party, may refer cases involving children who commit such acts to the program.

Any child participating in the program must be supervised by a juvenile probation officer. When the court receives a report from the probation officer that the child's progress was satisfactory and mediation successful, it must dismiss the charges pertaining to the delinquent act and order records of the charges erased.

If the probation officer gets a report that mediation was unsuccessful, the child no longer wants to participate in the program, or the child has failed to comply with the terms of the mediation agreement, he or she must notify the prosecutor in charge of the case, and the prosecutor may initiate delinquency or criminal proceedings against the child.

If a child is under DCF supervision when his or her case is referred to the program, the court or probation officer must notify DCF of the referral.

§ 86 — CLEAN WATER FUNDING

The act increases, by 5%, the Clean Water funding amount a particular town receives for the design and construction of six types of eligible water quality projects. (Presumably, the amount will only be awarded for one type of project.) It specifies the increased funds are for a municipality with, in 2012, a population of between 40,000 and 42,000 and a municipal sewer system providing a regional treatment capacity to at least five abutting municipalities with fewer than 5,000

people each (i.e., Norwich). Under the act, a loan is available for the remainder of the project's costs, but the loan must not exceed the total cost.

The Clean Water Fund provides grants and loans to municipalities, financed by a combination of federal funding, state general obligation bonds for the grant portion, and state revenue bonds for the loan portion. By law, an eligible water quality project includes the planning, design, development, construction, repair, extension, improvement, remodeling, alteration, rehabilitation, reconstruction, or acquisition of a Department of Energy and Environmental Protection (DEEP)-approved water pollution control facility (CGS § 22a-475).

§§ 87 & 88 — HEALTH INSURANCE EXCHANGE

Exchange Assessment or Fee Enforcement

The act requires the Connecticut Health Insurance Exchange's chief executive officer to give the insurance commissioner the name of any health carrier (e.g., insurer) that fails to pay any assessment or user fee the exchange charges. The law allows the exchange to charge assessments or user fees to health carriers capable of offering qualified health plans through the exchange. A qualified health plan is one certified as meeting criteria outlined in the federal ACA and state law.

The act explicitly requires the commissioner to see that the assessment or user fee law is faithfully executed. It allows him to use all powers granted him by law and all further powers reasonable and necessary to enforce the law (e.g., suspend or revoke licenses, impose fines, or issue cease and desist orders). By law, unchanged by the act, the exchange may impose interest and penalties on a health carrier that is late in paying the assessment or fee.

The act allows a health carrier aggrieved by the commissioner's administrative action to appeal to New Britain Superior Court in accordance with the UAPA.

Insurance Commissioner's Authority

By law, unless expressly specified, the state's health insurance exchange laws and the exchange's actions under those laws do not preempt, supersede, or affect the insurance commissioner's authority to regulate insurance in Connecticut. The act adds that the state's all-payer claims database law and the exchange's actions under it similarly do not preempt, supersede, or affect his authority.

Health Carriers' Compliance with Laws

The act alters the compliance requirements of health carriers with respect to the exchange. Under prior law, health carriers offering qualified health plans in Connecticut had to comply with all applicable state health insurance laws and regulations and the insurance commissioner's orders. The act instead requires such health carriers to comply with all applicable (1) health insurance exchange and all-payer claims database laws and (2) procedures adopted by the health insurance exchange's board of directors.

EFFECTIVE DATE: Upon passage

§§ 89-107 — *SHEFF V. O'NEILL* – 2013 STIPULATION

The act contains numerous provisions that carry out the newest phase of *Sheff v. O'Neill*, the Hartford school desegregation court case. In December 2013, the state and the *Sheff* plaintiffs reached a new court-approved agreement on additional efforts to integrate Hartford schools (officially referred to as the Phase III stipulation). Both the 2008 and the 2013 settlements seek to promote racial diversity in schools, in part by promoting interdistrict magnet schools. Generally, the act makes magnet schools eligible for enhanced funding if they promote the goals of the settlement; by law, schools were eligible for funding if they promoted the goals of the 2008 settlement.

The act makes numerous conforming and technical changes to reflect the Phase III stipulation.

§ 89 — Limits on Magnet School Grants for Enrollment Increases After October 1, 2013

For FY 15, the act permits SDE to limit payment to an interdistrict magnet school to an amount the school was eligible to receive based on its enrollment level on October 1, 2013. It permits additional funding for additional students enrolling after October 1 based on priorities the act establishes. This means student enrollment increases after October 1 will not automatically increase student funding.

The act requires SDE to prioritize additional magnet school funding in the following order:

1. increases in enrollment for a school adding planned new grade levels;
2. increases in enrollment for a school moving into a permanent facility for the school year starting July 1, 2014;
3. increases in enrollment for a school to ensure compliance with the state magnet school law's requirements for racial and economic diversity, special curriculum, and at least a half-time educational program; and
4. new enrollments for a new magnet school starting operation on or after July 1, 2014, to help meet the 2013 *Sheff* stipulation.

§ 89 — Revised Definition of Racial Diversity

The act provides a revised definition of racial diversity under the interdistrict magnet school law as it applies to *Sheff* magnet schools. The law requires a magnet school to have at least 25% but no more than 75% minority students, and racial minorities are defined as those whose (1) race is other than white or (2) ethnicity is defined as Hispanic or Latino by the U.S. Census. The act modifies this for *Sheff* magnets, where the enrollment must now meet the reduced isolation setting standards of the 2013 stipulation. This means no more than 75% of the students can identify themselves as any part Black/African American or any part Hispanic. Thus, for purposes of *Sheff* magnets, Asians, Alaskan Natives, Native Americans, Native Hawaiians, or other Pacific Islanders will not be counted as minorities. This, in turn, makes it somewhat easier to reach the diversity goals of *Sheff* because some students who used to count as minority will now count as

non-minority.

The act requires a magnet school governing authority to restrict the number of students from a participating district enrolling in the magnet school in order to meet the 2013 settlement's reduced isolation standard. A governing authority may be a board of education, a regional education service center (RESC), an institution of higher education, or a combination of these.

§ 89 — Extending Single District Enrollment Exception to Magnet Schools Under New Sheff Agreement

With some exceptions, the education commissioner is barred by law from providing magnet school grants to schools where more than 80% of the students are from one school district. The act extends the exemption to cover schools under the new *Sheff* stipulation.

§ 89 — Special Magnet School Per-Student Operating Grant

The act potentially reduces a special state per-student operating grant for one magnet school.

By law, most magnet schools run by RESCs that (1) do not help implement the *Sheff* settlement and (2) enroll 55% or more of their students from a single town receive a state grant of $3,000 annually for each student from that town. The act reduces the per-student grant for some students at a school, the Thomas Edison Magnet Middle School in Meriden, that receives $8,180 for each student.

The act maintains the $8,180 grant for the number of students in the October 1, 2013 student count, but lowers the grant for any additional students enrolled above the October 1, 2013 number. It also sets different grant numbers for students attending from inside the district and those attending from outside. Table 1 shows the change under the act. (The act affects a school that began operations in the 2001-02 school year and, for the 2008-09 school year, enrolled between 55% and 80% of its students from a single town, a description that applies only to the Edison Magnet Middle School.)

Table 1: Edison Magnet Middle School Grant Changes

Residency of Students	***Per Pupil Grant***	
	Students at or Below the Enrollment Count of October 1, 2013	***Students Above the Enrollment Count of October 1, 2013***
Inside the district	$8,180	$3,000
Outside the district	$8,180	$7,085

§ 89 — Payment Schedule for Goodwin College Senior Academy Magnet School

The act makes a magnet school that uses a trimester school calendar and is operated by an independent college or university eligible for the same per-student

state magnet school grant, $10,443, as other *Sheff* magnets. (The Goodwin College Senior Academy magnet school appears to be the only one affected.) The school must:

1. begin operations for the school year commencing July 1, 2014,
2. enroll less than 60% of its students from Hartford pursuant to *Sheff*, and
3. enroll students on a trimester basis.

A student must be enrolled for at least two of the three trimesters for the fiscal year ending June 30, 2015 to receive the grant.

The act modifies the payment schedule, based on a trimester school year, for the per-student magnet school grant paid to an independent college or university that operates a magnet school. By law, initial payments to magnet school governing authorities must be made by September 1 with the remainder paid by May 1. For FY 15 and each following year, the act requires SDE to pay by the following schedule for trimester schools:

1. 30% of the grant amount by August 1 based on estimated student enrollment on July 1,
2. 30% by October 1 based on estimated enrollment on September 1, and
3. the balance by May 1 of each fiscal year.

The May payment must be adjusted to reflect actual enrollment in the magnet school for those who have been enrolled for two of three trimesters of the school year. The May payment may be further adjusted for the difference between the total grant received in the prior fiscal year and the revised grant amount calculated for the prior fiscal year in cases where the financial audit submitted by the magnet school governing authority indicates an SDE overpayment.

§ 89 — Limit on SDE Expense for Administration

The act caps at $500,000 the share of the total magnet school appropriation that SDE may retain for evaluation and administration. The new cap is applied to the prior law's authorization of up to 0.5% of the amount appropriated for evaluation and administration.

§ 90 — Renzulli Gifted and Talented Academy

The act requires SDE, within available appropriations, to award a grant of up to $250,000 to the Hartford school district for program development and expansion of the Dr. Joseph S. Renzulli Gifted and Talented Academy to assist the state in meeting the *Sheff* 2013 stipulation goals. The grant is available for FY 15 and each following year. Applications for the grant funds must be submitted annually to the education commissioner when and how he prescribes.

Under the act, starting with the 2014-15 school year, any student who is not a Hartford resident who applies and is enrolled at Renzulli is considered enrolled under the state's Open Choice program. The Open Choice program aims to reduce racial isolation by giving districts grants for accepting students from other districts. The act permits any student accepted into Renzulli, based on its selective admissions policy, to be considered part of Open Choice, regardless of race. This allows the Hartford school district, Renzulli's parent district, to receive a per-student Open Choice grant for any student from outside Hartford who attends the

school.

The act specifies that the grants Renzulli receives under these provisions do not reduce its eligibility for any other state grant to which it may be entitled.

§ 91 — Sheff Lighthouse School

The act creates a program for the Hartford school district to receive an annual grant to convert an existing neighborhood school into a *Sheff* lighthouse school. SDE must, within available appropriations, award an annual grant of $750,000 to Hartford for FY 15 through FY 18 to assist in the development of curricula and staff training for the lighthouse school.

The act refers to the 2013 *Sheff* stipulation to define the lighthouse schools as schools designated for additional funding and initiatives designed to improve educational outcomes while serving their neighborhoods or the entire city. By offering improved programs, the schools aim to stabilize neighborhoods and improve racial integration. The stipulation states that all teachers at the lighthouse school will remain Hartford public school teachers.

The act requires the lighthouse school to be selected through a collaborative process approved by the Hartford board of education and education commissioner. (Hartford has already started the process.)

Starting with the 2014-15 school year, the act allows any student who is not a Hartford resident to apply to enroll in the lighthouse school and, if enrolled, is considered enrolled under the state's Open Choice program. This means the Hartford school district receives a per-student Open Choice grant for any student who attends the lighthouse school who is not from Hartford.

§ 92 — Supplemental Sheff Magnet Transportation Grants

The act extends specific payment dates for supplemental *Sheff* magnet school transportation grants consistent with payment dates for previous fiscal years. For FYs 14 and 15, SDE must pay up to 50% of the grant by June 30 and the balance by September 1 on completion of the comprehensive financial review.

§§ 93, 95-100, & 105 — Minor and Technical Changes

The act specifies that previously authorized grants for leasing space and purchasing equipment for schools under *Sheff* may also be used for renovating space.

It also makes technical changes related to the new *Sheff* stipulation.

§ 94 — RESC Magnet School Tuition

The act extends the law on tuition payments from sending towns to RESC magnet schools that help promote *Sheff* goals. It does so by eliminating a restriction that these payments only go to RESC magnet schools that began operation on or after July 1, 2008.

§§ 101-104 — Sheff School Construction Reimbursement Rate Changes and Authorization for Education Commissioner to Pay CREC's Local Construction Share

The act increases the school construction reimbursement rate for three new *Sheff* magnet schools. The schools are Greater Hartford Academy of the Arts Elementary Magnet School, Greater Hartford Academy of the Arts Middle Magnet School, and the Two Rivers Magnet High School; all are existing schools moving to new facilities.

By law, magnet schools receive an 80% reimbursement rate. The act authorizes a 95%, rather than an 80%, state reimbursement rate for these three magnet schools planned by the Capital Region Education Council (CREC). Towns, regional districts, and RESCs, like CREC, are reimbursed by the state for eligible school construction costs.

The act also authorizes the education commissioner to pay both the state and local shares (the local share would be the remaining 5%) of eligible project costs for the three CREC schools mentioned above. CREC must repay this local share. The act adds this authorization to an existing special act provision that gave the commissioner the same authority for six other CREC projects. By law, towns and districts pay a share of school construction costs.

EFFECTIVE DATE: Upon passage, except for the authorization regarding the local share of school construction costs, which is effective July 1, 2014.

§§ 106 & 107 — Capital Startup Grant Liens or Repayments

The act exempts CREC from lien or repayment of capital startup cost grants of up to $17 million in one previous school construction project authorization and up to $7.5 million in another.

Both grant authorizations were to purchase buildings or portable classrooms, lease space, and purchase equipment, including computers and classroom furniture.

EFFECTIVE DATE: Upon passage

§ 108 — CAP ON STATE TRANSPORTATION GRANTS

The act extends a cap on state transportation formula grants to school districts and RESCs for two more fiscal years, through June 30, 2015. The cap requires grants to be proportionately reduced when state budget appropriations do not cover the full amounts required by the statutory formula. This grant was not capped last year when a number of other education grants were. In practice, SDE operated in FY 14 as if the cap were in place.

EFFECTIVE DATE: Upon passage

§ 109 — PRIORITY SCHOOL DISTRICT SUPPLEMENTAL GRANTS

Priority school districts (PSDs) are districts with high levels of student poverty and low student scores on standardized tests. By law, they are eligible for certain additional state aid. The act updates two existing provisions for

supplemental grants under the PSD program.

Under prior law, there was a State Board of Education (SBE) allocation of $2,929,364 for FY 13. The act establishes an allocation of $2,925,481 for FY 14 and $2,882,368 for FY 15. As with existing law, the SBE must allocate a share of these supplemental funds to each priority district in proportion to its regular PSD grant. The money is in addition to all other PSD grants each district receives. The act specifies that a PSD can carry forward from FY 14 to FY 15 any unexpended PSD funds allocated to it under the act after May 1, 2014.

The act extends another provision for supplemental priority district funding for $2,610,798 to FY 15. Under prior law this provision expired at the end of FY 13.

EFFECTIVE DATE: Upon passage

§ 112 — CHANGES TO CHARTER SCHOOL LAW

The act changes the formula for determining how much funding a local or regional board of education must provide to a local charter school it sponsors. Under prior law, the funding support from the board was the product of the number of students and the per-pupil cost for the prior year minus the state reimbursement for special education excess costs. The act changes the per-pupil part of the equation to the per-pupil cost for the fiscal year two years before the year the board funding will be provided and does not subtract the reimbursement received under the special education excess cost grant.

It also changes the definition of per-pupil cost for the local or regional board from net current expenditure divided by average daily student membership to current program expenditures divided by number of resident students. Depending upon the circumstances, this could either increase or decrease the aid from the school district to the school.

Finally, the act changes the date, from April 15 to April 1, by which the state must make the final installment of its scheduled four-part payment to a local charter school for the per-student annual grant. There are currently no local charter schools in Connecticut, but one has been approved to open in New Haven in the fall of 2014.

EFFECTIVE DATE: Upon passage

§§ 113 & 114 — ALLIANCE DISTRICT FUNDS: NONSUPPLANT PROVISION AND MAGNET SCHOOL TUITION

The act explicitly requires state education aid distributed to towns designated as alliance districts to be spent (1) for educational purposes only, (2) upon local or regional board of education authorization, and (3) in accordance with the law governing alliance district funding and expenditures. It also requires any town that receives alliance district funds from the education commissioner to pay all such funds to its local or regional board of education, which must spend them in accordance with (1) the three aforementioned state aid expenditure provisions, (2) the town's alliance district plan, and (3) any other alliance district guidelines developed by SBE. These "nonsupplant" provisions prevent towns from diverting

state education funds earmarked for alliance district plan purposes to other non-alliance district or non-educational purposes.

By law, towns designated as alliance districts (the 30 school districts with the lowest district performance index scores) receive increased state education aid that they must spend to further the goals of SDE-approved improvement plans.

The act also authorizes the education commissioner to permit a board of education, as part of its alliance district plan, to use a portion of its alliance funds to pay magnet school tuition for any of its students attending (1) any RESC-operated magnet school or (2) the Great Path Academy operated by Hartford public schools at Manchester Community College.

EFFECTIVE DATE: Upon passage

§ 115 — PUBLIC SCHOOL MASTERY TEST DATES

Beginning in the 2013-14 school year, the act allows students enrolled in grades three through eight and 10 or 11 to take an annual mastery examination in reading, writing, and mathematics during any month of the school year. Prior law allowed such annual testing only in March or April.

§ 116 — MAGNET SCHOOL DIVERSITY REQUIREMENTS

The act reinstates a law that allows magnet schools to remain eligible for state grants even if they submit enrollment data that does not comply with state racial minority requirements due to 2010 changes in federal racial and ethnic reporting requirements. Previously, the law allowed noncomplying magnet schools to remain eligible based on enrollment data submitted on or before October 1, 2011 and October 1, 2012. The act extends such eligibility to noncompliant enrollment data submitted on or before October 1, 2013 and October 1, 2014.

It also extends, from January 1, 2013 to January 1, 2015, the deadline for SDE to submit a report to the Education Committee recommending legislation to conform the racial minority enrollment requirements for magnet schools to changes in federal law. The recommendations must reflect the regional demographics of the magnet school programs and the diverse populations attending the magnet schools.

EFFECTIVE DATE: Upon passage

§ 117 — EARLY LITERACY PILOT EXTENSION

PA 11-85 authorized the education commissioner to (1) conduct a pilot study to promote best practices in early literacy and closing academic achievement gaps, (2) identify schools to participate in the study, and (3) report the study's findings to the Education Committee by October 1, 2013. PA 12-116 extended the pilot through the school year starting July 1, 2013 and delayed the reporting deadline to October 1, 2014.

The act extends the pilot once again through the school year starting July 1, 2015. It also delays the commissioner's reporting deadline on the pilot to October

1, 2016 and requires the commissioner to submit the report to the Appropriations Committee in addition to the Education Committee.

By law, "achievement gaps," in relation to this study, mean a significant disparity in the academic performance of students among and between (1) racial, ethnic, and socioeconomic groups; (2) genders; and (3) English language learners and students whose primary language is English.

EFFECTIVE DATE: Upon passage

§§ 118 & 119 — PER-STUDENT GRANT AND TUITION FOR REGIONAL AG-SCIENCE CENTERS

The act increases, from $2,750 to $3,200, the per-student state grant for regional agricultural science and technology centers. For FY 15, as was the case for the previous fiscal year, it allows a board of education that operates a center to spend the increased state grant even if it exceeds the total amount budgeted for education. By law, the additional funds cannot be used to supplant local funding.

The act also lowers, from 62.47% to 59.2%, the maximum percentage of the state's per-student foundation aid used to determine the tuition charged to the districts sending students to a center. This lowers the maximum amount of tuition that can be charged from $7,199.67 to $6,822.80. Table 2 displays how decreasing the percentage lowers the tuition maximum.

Table 2: Maximum Tuition for Regional Ag-Science Centers

	Prior Law	***Act***
Percentage of Foundation	62.47%	59.2%
Foundation	$11,525	$11,525
Maximum Tuition (% of foundation multiplied by foundation amount)	$7,199.67	$6,822.80

§§ 120 & 129 — RESTRAINING ORDERS: FAMILY AND HOUSEHOLD MEMBERS

The act expands the range of measures the court may enter in civil restraining order cases when it receives an application for such an order and at a hearing on the application.

Grounds for Issuing Restraining Orders

By law, any family or household member (see Background) subjected to continuous threat of present physical pain or physical injury, stalking, or a pattern of threatening may apply to the Superior Court for a restraining order. The court may issue an order it deems appropriate to protect the applicant and any dependent children or other people. Under existing law, the order, whether issued ex parte (i.e., without a hearing) or after a hearing, may include temporary child custody or visitation rights and provisions to protect animals. It may also prohibit the person against whom the order is filed (i.e., respondent) from:

1. imposing any restraint on the applicant;

2. threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; or
3. entering the home of the family or applicant.

Ex Parte Order

By law, if an applicant alleges an immediate and present physical danger to himself or herself, the court, upon receipt of the application, may issue an ex parte restraining order that contains any of the orders described above.

The act broadens the measures the order may contain when the applicant and respondent are (1) spouses or (2) people who live together who have dependent children in common. If no order exists and the court deems it necessary to maintain the safety and the basic needs of such applicant or the children, it may:

1. prohibit the respondent from taking any action that could result in shutting off necessary utility services or other necessary services related to the family's or the applicant's home;
2. prohibit the respondent from taking action that could result in the cancellation or change of health, automobile, or homeowners' insurance policy coverage or designated beneficiary to the detriment of the applicant or any dependent children they have in common;
3. prohibit the respondent from transferring, encumbering, concealing, or disposing of specified property the applicant owns or leases; or
4. require the respondent to temporarily provide the applicant with an automobile, a checkbook, health documents, automobile or homeowners insurance, a document needed for proving identity, a key, or other necessary specified personal effects.

Hearing on the Application

Under the act, if the court grants relief under circumstances as described above, at the hearing on the application it may order the respondent to:

1. make rent or mortgage payments on the family home or the home of the applicant and their dependent children;
2. maintain utility services or other necessary services related to the family home or the home of the applicant and their dependent children;
3. maintain all existing health, automobile, or homeowners insurance coverage without change in coverage or beneficiary designation; or
4. provide financial support for any dependent children, if the respondent has a legal duty to support them and the ability to pay.

These measures are in addition to orders authorized under prior law and those authorized in an ex parte order under the act.

The act prohibits the court from entering any financial support order without sufficient evidence of a person's ability to pay, including financial affidavits. And, it allows any amounts not paid or collected under an order to be preserved and collected in a divorce, custody, paternity, or support action.

If the court does not order a new measure, authorized by the act, at the hearing, it may not do so afterwards. If such an order is entered at a hearing, it cannot be modified and must expire 120 days after the issue date or upon issuance

of a superseding order, whichever occurs first.

Specific Language in the Court Order

By law, any civil restraining order the court makes must include specific language about what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties.

The act expands the required notice in the court order to also include specific language about what constitutes a criminal violation of a civil restraining order and the corresponding penalties.

EFFECTIVE DATE: January 1, 2015

Background — Family or Household Members

By law, "family or household members" are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating (CGS § 46b-38a).

§ 121 — TASK FORCE ON RESTRAINING ORDER SERVICE

The act establishes a 16-member task force to study service of restraining orders pertaining to family and household members. The study must, at a minimum, examine the:

1. policies, procedures, and regulations relating to state marshals serving restraining orders, including methods for their initial notification;
2. length of time available to serve a restraining order;
3. permissible methods of service;
4. effectiveness of the respondent profile information sheet and marshal access to databases containing identifiable respondent information;
5. reimbursement rates for service, including an assessment of other states' reimbursement rates;
6. other states' best practices, if any, with respect to service of restraining orders; and
7. feasibility of expanding the list of persons who can serve restraining orders.

Task Force Members and Appointments

The task force consists of:

1. two members appointed by the Senate president pro tempore (one representing the Connecticut Coalition Against Domestic Violence and the

other representing the chief state's attorney),
2. two members appointed by the Senate majority leader (an advocate for domestic violence victims and a representative of the State Marshal Commission),
3. two members appointed by the Senate minority leader (representing the Connecticut Police Chiefs Association and the Office of the Chief Public Defender),
4. two members appointed by the House speaker (a domestic violence victim and a representative from the speaker's task force on domestic violence),
5. two members appointed by the House majority leader (a state marshal and a representative of the State Police),
6. two members appointed by the House minority leader (a state marshal and a representative of legal aid assistance programs in the state),
7. two members appointed by the governor (representing the Connecticut Police Chiefs Association and the Office of the Victim Advocate), and
8. two members appointed by the chief court administrator (a Superior Court judge assigned to hear civil matters and a Judicial Branch employee whose duties concern Superior Court operations).

All appointments must be made by July 13, 2014, and any vacancies must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force's chairpersons from among the task force members. The chairpersons must schedule and hold the first meeting by August 12, 2014. The Judiciary Committee's administrative staff serves as the task force's administrative staff.

Reporting Requirement and Termination

The task force must report its findings and recommendations to the Judiciary Committee by December 15, 2014. It terminates on that date or when it submits the report, whichever is later.

EFFECTIVE DATE: Upon passage

§§ 122-128 — INCREASED PENALTY FOR VIOLATING CERTAIN ORDERS

Increased Penalty

By law, criminal violation of a protective order, standing criminal protective order, or civil restraining order, is a class D felony (see Table on Penalties).

Under the act, these crimes become class C felonies if the violation of any of these orders involves (1) imposing any restraint on the person or liberty of a person in violation of the order or (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking a person in violation of the order.

Required Notice

The act requires the specific language contained in standing criminal protective orders and certain protective orders to be updated to reflect the penalty increase. The affected protective orders are those related to (1) family violence;

(2) stalking, harassment, sexual assault, and risk of injury; and (3) witness harassment.
EFFECTIVE DATE: January 1, 2015

§ 131 — LOCKED BOXES FOR DISPOSAL OF UNWANTED MEDICATION

The act requires DCP, in consultation with the Connecticut Pharmacists Association and Connecticut Police Chiefs Association, to develop and implement a program to collect and dispose of unwanted pharmaceuticals (medication). The program must provide for (1) a secure locked box accessible to the public 24 hours a day to drop off unwanted medication anonymously at all local police stations and (2) transporting the medication to a biomedical waste treatment facility for incineration.

The act requires DCP, within available appropriations, to organize a public awareness campaign to educate the public about the program and the dangers of unsafe medication disposal. It allows DCP to adopt implementing regulations.
EFFECTIVE DATE: October 1, 2014

§§ 132 & 133 — PRESCHOOL FOR CHILDREN IN DCF CUSTODY

The act requires the DCF commissioner to take steps to maximize preschool enrollment for children placed in out-of-home care. Specifically, it requires the commissioner, in consultation with OEC, to complete the following by January 1, 2015:

1. adopt policies and procedures that maximize the enrollment of eligible preschool-aged children in eligible preschool programs and
2. submit to the Appropriations, Children's, Education, and Human Services committees (a) the adopted policies and procedures and (b) a report that includes various statistics on different categories of eligible preschool-aged children and available preschool program spaces and costs.

The act defines "preschool-aged child" as one who (1) is age three to five years, (2) the DCF commissioner places in out-of-home care under a commitment order, and (3) is not enrolled in a preschool program or kindergarten at the time of placement.

It defines "eligible preschool program" as:

1. a school readiness program,
2. a preschool program offered by a local or regional board of education or RESC,
3. a preschool program accredited by the National Association for the Education of Young Children,
4. a Head Start program, or
5. any other preschool program the DCF commissioner considers suitable for the child's needs.

Report

The act requires DCF's report to the legislative committees to include various

statistics about preschool-aged children and analyses of placement options and costs. The statistics must include the number of:

1. eligible preschool-age children who are and are not enrolled in an eligible preschool program at the time of DCF out-of-home placement under a commitment order;
2. children, from birth to age three years, who are placed in out-of-home care by DCF under a commitment order; and
3. eligible preschool-age children who require special education and related services, and the number and percentage of such children who have enrolled in a preschool program.

The analyses must address:

1. the availability of spaces in eligible preschool programs in relation to (a) where eligible preschool-age children are geographically placed and (b) the nature of such eligible preschool program and its cost to DCF;
2. eligible preschool programs and transportation options that will minimize DCF costs, including programs (a) that provide transportation or (b) whose geographic proximity to a child's placement is considered within reasonable expectations of the foster parent's or caregiver's duties; and
3. a plan to provide priority access to eligible preschool-age children at state- and federally funded preschool programs.

EFFECTIVE DATE: July 1, 2014 for the adoption of policies and procedures; upon passage for the report requirement.

§ 134 — TFA RECIPIENT EDUCATION

By law, DSS must assess each person eligible for time-limited TFA benefits to develop an employability plan for him or her. DSS must then refer the person to the Department of Labor (DOL) which, with the regional workforce development board, must finalize the plan and identify the services the person needs to fulfill it (CGS § 17b-689c).

The act requires the DSS and DOL commissioners to permit a TFA recipient to take educational courses as part of the requirements of his or her employability plan. They must do so as long as the (1) state complies with federal work participation requirements for the employment services program and (2) education courses are approved by the DOL commissioner. Eligible courses can include (1) two- or four-year college degree programs and (2) high school graduate equivalency degree or basic education programs for recipients otherwise ineligible to enroll in these programs during their first 20 hours per week of required employment activities.

The act requires the DOL commissioner, in consultation with the DSS commissioner, to implement policies and procedures to establish (1) which programs may qualify as an approved employment activity and (2) enrollment and academic requirements for students who are TFA recipients. The labor commissioner must implement these policies and procedures while adopting them as regulations, as long as she provides notice of intent to adopt the regulations within 20 days of implementing the interim policies and procedures.

The interim policies and procedures are valid until the final regulations go into

effect.

The act cannot be construed as requiring the state to pay the tuition of any TFA recipient.

§ 135 — DSS REPORT ON COMPLEX REHABILITATIVE TECHNOLOGY (CRT)

Report Content

The act requires the DSS commissioner to report, by January 1, 2015, to the Human Services Committee on the impact of:

designating products and services in Healthcare Common Procedure Coding System (HCPCS) codes as CRT;

setting minimum standards for suppliers to be considered qualified CRT suppliers and eligible for Medicaid reimbursement;

preserving the option for CRT to be billed and paid for as a purchase, allowing for single payments for devices needed for at least one year, excluding crossover claims for clients enrolled in both Medicare and Medicaid; and

requiring an evaluation for Medicaid recipients receiving a CRT wheelchair or seating component by a qualified (a) health care professional and (b) CRT professional, to qualify for reimbursement.

CRT Products

The act defines CRT as products classified as durable medical equipment (DME) within the Medicare program as of January 1, 2013, that are individually configured and medically necessary to meet individuals' specific and unique medical, physical, and functional needs and capacities for basic and instrumental activities of daily living. "Individually configured" means a device customized by a qualified CRT supplier to have a combination of sizes, features, adjustments, or modifications for a specific individual that are measured, fitted, programmed, adjusted, or adapted to be consistent with the individual's medical condition, physical and functional needs and capacities, body size, period of need, and intended use.

CRT includes:

1. complex rehabilitation manual and power wheelchairs and accessories;
2. adaptive seating and positioning items and accessories; and
3. other specialized equipment and accessories, including standing frames and gait trainers.

The designation includes products and services specified by HCPCS codes. These billing codes are overseen by the federal Centers for Medicare and Medicaid Services and based on current procedural technology codes developed by the American Medical Association. The act distinguishes between pure HCPCS codes, which it defines as codes referring exclusively to CRT products and services, and mixed HCPCS codes, which are those that refer to a mix of CRT products and standard mobility and accessory products.

Qualified Health Care or CRT Professionals

Under the act, qualified health care professionals are those licensed by DPH, such as physicians, physical therapists, occupational therapists, or other specialized health care professionals, with no financial relationship with a qualified CRT supplier.

Qualified CRT Suppliers

Under the act, a qualified CRT supplier is a company or entity that:

1. is accredited by a recognized organization as a CRT supplier;
2. is an enrolled Medicare supplier and meets the supplier and quality standards established for DME;
3. has at least one employee who is a qualified CRT professional for each service location to (a) analyze the needs and capacities of an eligible individual in consultation with a qualified health care professional, (b) participate in selecting appropriate covered CRT, and (c) provide technology-related training in proper CRT use;
4. requires a qualified CRT professional to be present for the evaluation and determination of appropriate CRT for an eligible individual;
5. can provide service and repair by qualified technicians for all CRT it sells; and
6. provides written information to the eligible individual when the CRT is delivered on how to obtain service and repair.

The act defines a "qualified CRT professional" as an individual certified as an assistive technology professional by the Rehabilitation Engineering and Assistive Technology Society of North America.

EFFECTIVE DATE: Upon passage

§ 136 — PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

The act requires the DSS commissioner to submit to the federal Centers for Medicare and Medicaid Services a state Medicaid plan amendment to increase the rate for private psychiatric residential treatment facilities. The increase must be within available state appropriations.

Under the act, a "private psychiatric residential treatment facility" is a nonhospital facility with an agreement with a state Medicaid agency to provide inpatient services to people who are (1) Medicaid-eligible and (2) younger than age 21.

EFFECTIVE DATE: Upon passage

§ 137 — TAX STUDY

Scope

The act requires the Finance, Revenue and Bonding chairpersons to convene a panel of experts to study the overall state and local tax structure. The panel must include experts in tax law, tax accounting, tax policy, economics, and business and government finance. It cannot include legislators.

The panel must consider and evaluate options to modernize tax policy, structure, and administration regarding:

1. efficiency,
2. administrative costs,
3. equity,
4. reliability,
5. stability and volatility,
6. sufficiency,
7. simplicity,
8. incidence,
9. economic development and competitiveness,
10. employment,
11. affordability, and
12. overall public policy.

The panel must consider these options' impact and the extent to which tax policy affects business and consumer decision-making. It must also evaluate the feasibility of the following options:

1. creating a tiered property tax payment system that includes any property owned by (a) the state; (b) an institution, facility, or hospital for which the state made a payment in lieu of taxes to the host municipality; or (c) a nonprofit entity;
2. assessing a "community benefit fee" on tax-exempt property;
3. taxing property owned by an institution, facility, or hospital for which the state made a payment in lieu of taxes; and
4. requiring such institutions, facilities, or hospitals to report the value of their real and personal property.

Appointment

The governor and the committee's chairpersons and ranking members must appoint the panel, which may consist of up to 15 members, by August 12, 2014. The panel must include the following eight nonvoting ex-officio members: the committee's chairpersons and ranking members, Senate president pro tempore, House speaker, OPM secretary, and revenue services commissioner.

The panel's voting members elect the panel's chairpersons at the first meeting, which the committee's chairpersons must convene by August 1, 2014.

Subcommittees

The panel must organize itself into subcommittees on (1) personal income taxes, including estate and gift taxes; (2) business taxes, including excise taxes; (3) consumer taxes; and (4) property taxes. The panel, with its chairpersons' approval, may invite additional experts to participate, without voting, in the subcommittees.

Report

The panel must submit its findings for further action and recommendations to the governor and the Finance, Revenue and Bonding Committee by January 1,

2015. It may recommend extending its deadline to no later than January 1, 2016.
EFFECTIVE DATE: Upon passage

§ 138 — SMART START COMPETITIVE GRANT PROGRAM FUNDING

The act requires that $10 million per year be disbursed from the Tobacco Settlement Fund to the Smart Start competitive grant account for FYs 16 through 25. PA 14-41 establishes the Smart Start program to provide capital and operating expense grants to local and regional boards of education establishing or expanding preschool programs. PA 14-98 creates the Smart Start competitive grant account to fund the program.

§ 139 — HISTORIC HOMES TAX CREDIT

By law, DECD can issue up to $3 million in tax credits per fiscal year for rehabilitating owner-occupied historic homes. It can issue the credits to (1) people who own, rehabilitate, and occupy the homes or (2) businesses that contribute funds for rehabilitating the historic homes that are or will be occupied by their owners. The homes must be located in certain designated areas. The act changes the locational criteria that were set to take effect on July 1, 2015 under prior law. Before that date, prior law required DECD to reserve all of the credits for homes located in:

1. census tracts in which at least 70% of the families have an income that is 80% or less of the statewide median;
2. chronically economically distressed areas, as designated by the state with federal approval; and
3. urban and regional centers in the state's current five-year plan of conservation and development (*Conservation and Development Policies: The Plan for Connecticut 2013-2018*).

Prior law required DECD to make the credits available statewide after July 1, 2015.

Beginning July 1, 2015, the act instead requires DECD to annually reserve 70% of the annual credit cap ($2.1 million) for rehabilitating historic homes in the 24 municipalities designated as "regional centers" in the current five-year plan of conservation and development. These municipalities are Ansonia, Bridgeport, Bristol, Danbury, East Hartford, Enfield, Groton, Hartford, Killingly, Manchester, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Stamford, Torrington, Vernon, Waterbury, West Hartford, West Haven, and Windham. DECD must issue the remaining 30% of the annual credit cap statewide.

Regardless of their location, historic homes must continue to meet the law's other requirements to qualify for the credits. Specifically, they (1) may have no more than four units, one of which must be the owner's principal residence for at least five years after rehabilitation is completed, and (2) must be listed on the National or State Register of Historic Places or located in a district listed in either register. With respect to the latter, the commissioner must determine that the

home contributes to the district's historic character.
EFFECTIVE DATE: July 1, 2015

§§ 140-157 — BENEFIT CORPORATION

The act establishes a legal framework for forming a for-profit corporation that both pursues social benefits and increases value for its shareholders (benefit corporation or b-corp). B-corps generally operate under the same laws as traditional corporations (business corporation laws (BCL)), but their corporate purpose includes doing things that generally benefit society and the environment or create specific public benefits.

B-corps' governance structure and accountability requirements align with their public benefit purpose. A b-corp's directors and officers must consider certain interests and constituencies when discharging their official duties. By law, the directors of a traditional corporation must discharge their duties in a way they reasonably believe addresses the corporation's best interests. In doing so, they may consider community and societal interests when deciding whether to approve certain actions, such as a merger or share exchange (CGS § 33-756).

The act specifies rules and procedures for (1) establishing and dissolving b-corps, (2) changing the specific public benefits they choose to create, (3) disposing of a b-corp's assets, and (4) merging or consolidating with traditional business entities or certain b-corps. It allows b-corps to include provisions in their bylaws and certificates of incorporation ensuring that their assets continue to serve a public purpose after they dissolve. The act requires b-corps to report annually on their social and environmental performance.

The act also provides a procedure for bringing an action against a b-corp for failing to create general or specific public benefits or for other violations. Eligible parties may use the procedure to seek orders directed at a b-corp's conduct, but not to obtain money damages.

Lastly, the act makes conforming and technical changes.
EFFECTIVE DATE: October 1, 2014

§§ 142 & 155 — B-Corp as a Form of For-Profit Corporation

The act creates a legal framework for establishing for-profit corporations that must legally create public benefits, places it within the BCL, and specifies that b-corps are subject to the BCL, except that the act's specific provisions for b-corps supersede the BCL's general provisions. The authorization to form b-corps creates no implication that a different or contrary law applies to traditional corporations.

A b-corp's bylaws or certificate of incorporation cannot limit, conflict with, or supersede the act's provisions.

The act defines the relationship between a b-corp and various parties. It:

1. gives people no legal claims to the b-corp's income or assets simply because they might benefit from a b-corp's creation of general and specific public benefits,
2. imposes no obligations on b-corps to use their assets or property only for

charitable purposes, and
3. does not deprive the attorney general of jurisdiction over b-corps under the BCL or other law.

The act extends statutory appraisal rights to a traditional corporation's shareholders when the corporation:

1. amends its certificate of incorporation to make it a b-corp,
2. merges with another corporation and the (a) surviving entity is a b-corp or (b) shares will be converted into a right to receive shares in a b-corp, or
3. exchanges its shares for those of a b-corp.

By law, certain shareholders have the right to have their shares appraised and purchased from them at the appraised price when a corporation (1) sells its assets, (2) merges or exchanges shares with another corporation, or (3) makes certain changes to its certificate of incorporation (CGS § 33-856(a)).

§§ 141 & 147 — General and Specific Public Benefits

The act authorizes b-corps to create two types of public benefits, specifying that doing so serves a b-corp's best interest. Under the act, all b-corps must have a purpose of creating a general public benefit, meaning that they aim to have a material positive impact on society and the environment, taken as a whole and assessed against a third-party standard (see below).

B-corps may also create one or more specific public benefits, which include:

1. providing low-income or underserved people or communities with beneficial products or services;
2. promoting economic opportunity for individuals or communities beyond creating jobs in the normal course of business;
3. protecting or restoring the environment;
4. improving human health;
5. promoting the arts, sciences, or advancement of knowledge;
6. increasing the flow of capital to other b-corps or similar entities whose purpose is to benefit society or the environment; and
7. conferring any other particular benefit on society or the environment.

B-corps choosing to create one or more of these specific public benefits must still create a general public benefit.

The general public benefit and any specific public benefit a b-corp chooses to create must be stated in its certificate of incorporation. The b-corp may subsequently add, change, or delete a specific public benefit, but must do so by a minimum status vote (see below).

Under the BCL, a traditional corporation's directors may consider specific non-corporate interests and concerns when determining whether certain actions are in the corporation's best interests. A director must discharge his or her duties (1) in good faith, (2) with the care an ordinarily prudent person would exercise in a similar situation, and (3) in a way he or she reasonably believes is in the corporation's best interests (CGS § 33-756(a)). In determining the corporation's best interest, the director may consider, among other things, (1) community and societal factors and (2) the interests of the corporation's employees, customers, creditors, and suppliers (CGS 33-756(d)).

§ 141 — Minimum Status Voting Requirement

The act establishes a voting requirement that must be met before certain actions are taken. These actions include changing a traditional corporation into a b-corp; amending a b-corp's certificate of incorporation; and entering into mergers and share exchanges involving b-corps and traditional corporations or non-corporate entities, such as partnerships.

Actions involving two or more b-corps or a b-corp and a traditional corporation require a separate vote of the shareholders of each class or series of shares, regardless of any limitations in the bylaws or the certificate of incorporation. The action must be approved by at least two-thirds of the shareholders in each class or series as defined in the b-corp's certificate of incorporation, the BCL, or the act. This vote is in addition to any other approvals or votes.

If the action involves a merger between a b-corp and a partnership, limited liability company, or other non-corporate business entity (domestic entities), the vote for the business entity is a two-thirds vote of all equity holders in any series or class entitled to a distribution from the entity, regardless of any limitation on their voting or consent rights.

The act refers to these requirements as a "minimum status vote."

§§ 141, 143-145, & 147 — Creating a Benefit Corporation

Formation Options. The act allows parties to establish a new corporation as a b-corp or transform a traditional corporation into one, and it specifies how they must do so. By law, parties that want to establish a corporation must do so by filing a certificate of incorporation with the secretary of the state. Under the act, those establishing a new b-corp must also file with the secretary, indicating in the certificate that the corporation is a b-corp.

The board of directors of an existing corporation can change it into a b-corp by amending its certificate of incorporation to that effect, an action that must be approved by a minimum status vote.

Legacy Preservation Provision. The act allows b-corps to adopt a "legacy preservation provision" (LPP), a legal device ensuring that their assets continue to serve a public purpose if a b-corp dissolves. A b-corp must wait at least two years after its formation before it can choose to adopt an LPP and it must add the LPP to its certificate of incorporation. The LPP must require a dissolving b-corp to distribute its assets to one or more federal tax-exempt charitable organizations or other b-corps with an LPP.

Regardless of any limitations a b-corp's certificate of incorporation or bylaws impose on any shareholder's voting powers, the shareholders for all shares in all classes or series must unanimously vote for or approve in writing the adoption of the LPP. The adoption must also comply with the BCL's procedures for amending certificates of incorporation (CGS §§ 33-795 to 803).

§§ 141 & 144-146 — Mergers and Share Exchanges

The act's requirements for mergers and share exchanges vary depending on

(1) whether a b-corp is subject to an LPP or (2) the types of business entities involved in the transaction.

Rules Affecting B-Corps. A b-corp subject to an LPP may merge or exchange shares with another b-corp that is, or will be, subject to an LPP, but each transaction must be approved by a minimum status vote. Mergers may only be those in which the (1) surviving entity is a b-corp subject to an LPP or (2) b-corp's shares are converted into the right to receive shares or other equity interests in the other b-corp.

B-corps without an LPP may merge or exchange shares with other non-LPP b-corps or traditional corporations, but the transaction must be approved by a minimum status vote if the:

1. surviving entity is a traditional corporation,
2. merger converts the b-corps' shares into the right to receive shares or other equity interests in a traditional corporation, or
3. b-corps' shares will be exchanged for those or other equity interests of a traditional corporation.

Rules Affecting Traditional Corporations and Other Business Entities. Under the act, a traditional corporation may merge or exchange shares with a b-corp if the corporation's shareholders approve the action by a minimum status vote. The vote is specifically required for mergers in which the (1) b-corp is the surviving entity or (2) corporation's shares will be converted into the right to receive the b-corp's shares. An exchange can involve shares or other equity interests of the corporation or entity.

The act also allows non-corporate entities to merge or exchange shares with b-corps. In these cases, an entity's equity owners are entitled to appraisal rights under the same procedures the BCL provides to the shareholders of a traditional corporation, but only if a minimum status vote is required to approve the transaction.

Assets and Dissolution. The act allows b-corps to sell, lease, exchange, or otherwise dispose of their assets, but the requirements for doing so vary depending on whether a b-corp is subject to an LPP. A b-corp with an LPP cannot take any of these actions unless the (1) assets are going to a charitable organization or another b-corp subject to an LPP and (2) disposition is approved by a minimum status vote.

A b-corp without an LPP needs such a vote only for dispositions that would leave it without any significant business activity.

In both instances, the disposition requirements do not apply to transactions occurring during a b-corp's regular business operation.

Terminating a B-Corp. As noted above, a b-corp with an LPP cannot dissolve without distributing its assets to one or more charitable organizations or other b-corps subject to LPPs. A b-corp without an LPP may terminate its status as a b-corp by amending its certificate of incorporation to delete the provision that identifies it as a b-corp, a change that must be approved by a minimum status vote.

§§ 148 & 156 — Benefit Corporation Directors

Decision-Making Factors. The act specifies the interests and factors b-corp directors must consider when discharging their duties individually or collectively as a board or committee member. A director must specifically consider how a corporate action affects:

1. the b-corp's shareholders;
2. the employees and workforce of the b-corp and its subsidiaries and suppliers;
3. the interests of the b-corp's customers as beneficiaries of the b-corp's general and specific public benefits;
4. community and societal factors, including those of each community in which offices or facilities of the b-corp or its subsidiaries or suppliers are located;
5. the local and global environment;
6. the b-corp's short- and long-term interests, including benefits that may accrue from its long-term plans and the possibility that these interests may best be served by its continued independence; and
7. the b-corp's ability to accomplish its general and specific public benefit purposes.

By law, the directors of traditional corporations may consider similar factors in certain situations, such as a merger proposal (CGS § 33-756(d)).

The directors, individually or collectively, may also consider (1) any other interests the BCL allows them to consider in particular circumstances and (2) other pertinent factors or interests of any other group they deem appropriate.

When considering the act's factors, directors do not have to rank the interest of any particular person or group over others, unless the certificate of incorporation requires them to do so.

Immunities. Under the act, the directors do not violate their duties under the BCL when they consider the above interests and factors. Their authority to consider them is in addition to their authority to consider those specified in the BCL.

The act further specifies the conditions under which the directors are not personally liable to anyone, including those parties authorized to bring a benefit enforcement action (see below). Under the act, they are not liable for anything they did or failed to do while acting as directors in compliance with the act and the BCL. Nor are they liable for the b-corp's failure to create a general public benefit or any of its specific public benefits.

Lastly, b-corp directors have no duty to anyone whose only connection to the b-corp is that he or she benefits from its general or specific public benefits.

§ 150 & 157 — B-Corp Officers

The act requires b-corp officers to consider the same interests and factors that directors must consider if (1) they have discretion to act on the matter under consideration and (2) it reasonably appears to an officer that the matter could materially affect the b-corp's ability to create its general or specific public benefit. A b-corp officer acting in these circumstances does not violate the BCL.

B-corp officers enjoy the same immunities from personal liability as b-corp

directors and, like directors, have no duty to mere beneficiaries of the b-corp's beneficial activities.

§§ 141 & 149 — Benefit Director

Designation. The board of directors of a publicly traded b-corp must, and the board of all other b-corps may, include a designated "benefit director" responsible for preparing a status and compliance opinion for inclusion in the b-corp's annual benefit report. The act specifies that the benefit director has all the powers, rights, duties, and immunities the act specifically granted to a benefit director, in addition to those it grants to the other board members.

A benefit director may be designated in one of two ways. The board may elect one of its members to that position and may remove the member according to the BCL's provisions for electing or removing board members. A benefit director may also be anyone, including a non-board member, authorized to manage the b-corp's business and affairs under a shareholder agreement that complies with the BCL (CGS § 33-717). The agreement must specifically assign to this person some or all of the powers, duties, and rights the act assigns to a benefit director.

In either case, a benefit director must not have a "material relationship" with the b-corp, which generally means that the director may not:

1. be or have been an employee of the b-corp or a subsidiary within three years;
2. be immediately related to any current executive director or one from the b-corp's or subsidiary's previous three years; or
3. generally (a) own 5% or more of the b-corp's shares, (b) own 5% or more of an entity that owns 5% or more of the b-corp, or (c) hold a controlling position (such as a manager) in such entity.

A benefit director's current or previous service as the b-corp's or subsidiary's benefit director or benefit officer (see below) does not constitute a material relationship to the b-corp or its subsidiary. The b-corp's certificate of incorporation, bylaws, or shareholder agreement may impose additional qualifications as long as they are consistent with the requirement that the benefit director have no material relationship with the b-corp or its subsidiaries.

Liability. The act distinguishes the roles of director and benefit director, providing more protection from liability for the latter. When a director acts in his or her capacity as the benefit director, the director is not personally liable for things he or she did or failed to do unless they constitute self-dealing, willful misconduct, or a knowing violation of the law.

§§ 141, 149, & 151 — Benefit Officer

The act allows a b-corp to designate a "benefit officer" to prepare its annual benefit report and exercise all the powers and duties related to creating its general and specific public benefits, as specified in the bylaws or the board's orders or resolutions. A benefit officer exercising these powers and duties does not create a material relationship with the b-corp. As a b-corp officer, the benefit officer enjoys the same immunities as the other officers. A benefit director may simultaneously serve as the benefit officer.

§§ 141 & 152 — Benefit Enforcement Proceeding

Under the act, a b-corp or its shareholders may bring a benefit enforcement action for (1) failing to create a general public benefit or an identified specific public benefit or (2) violating an obligation, duty, or standard of conduct the act specifies, such as violating the shareholders' appraisal rights (see above). Parties may bring an action to order a b-corp to act or refrain from acting, but not for money damages.

The b-corp may start a benefit enforcement proceeding directly against its directors or officers. One or more of its shareholders may also start one against the b-corp or its directors or officers if, when the complained act or omission occurred, they (1) generally owned at least 5% of the b-corp's shares or (2) owned at least 10% of the entity that owns or controls the b-corp as a subsidiary. Beneficial owners of shares held in a voting trust or by a nominee may also start a proceeding, as can other groups, if the b-corp's bylaws or certificate of incorporation allows them to do so.

§§ 141, 149, 153, & 154 — Annual Benefit Report

Content. The act requires a b-corp to prepare an annual benefit report for its shareholders describing:

1. how the b-corp pursued its general public benefit purpose during the year and the extent to which a general public benefit was created;
2. how the b-corp pursued its chosen specific public benefit purposes, if any, and the extent to which any specific public benefit was created;
3. any circumstances that hindered creating a general public benefit or any specific public benefit; and
4. the process and rationale for selecting or changing the third-party standard (see below) used to prepare the benefit report.

The report must assess the b-corp's overall social and environmental performance against a third-party standard, either:

1. applied consistently with any application of that standard in prior benefit reports or
2. with an explanation of the reasons for any inconsistent application or the change to that standard from the one used in the most recent prior report.

It must also provide the benefit director's opinion on:

1. whether the b-corp acted according to its general public benefit purpose and any chosen specific public benefit purposes in all material respects during the reporting period;
2. whether the directors and officers complied with their duties under the act; and
3. if the b-corp or its directors or officers failed to do so, how.

The report must state any connection between the organization that established the third-party standard and the b-corp. This requirement applies to a connection between the organization's directors, officers, or any holder of 5% or more of the voting power or capital interests in the organization, and the b-corp's directors, officers, or anyone holding at least 5% of the b-corp's outstanding shares. It includes any financial or governing relationship that might materially

affect the third-party standard's credibility.

The report must provide each director's annual compensation for serving as a director and the names and mailing addresses, if any, of the benefit director and benefit officer.

Lastly, if the benefit director or officer resigned, was removed, or refused to be reelected, the report must include any written statement or correspondence from that director or officer on the circumstances of his or her departure.

Neither the report nor the performance assessment it contains needs to be audited or certified by the third-party standard provider.

Report Distribution. The b-corp must send each shareholder a copy of the annual report within 120 days of the fiscal year's end or together with any other annual report it provides to shareholders, whichever is earlier. It must post and maintain each annual benefit report on its public website, but may omit any financial, confidential, or proprietary information, including directors' compensation.

If the b-corp has no website, it must provide a copy of its most recent annual benefit report to anyone who requests one, at no charge. It may omit compensation, financial, confidential, or proprietary information.

§§ 141 & 153 — Third-Party Standard

Under the act, a b-corp's performance must be annually assessed against a recognized third-party standard for defining, reporting, and assessing corporate social and environmental performance. The standard must address the b-corp's impact on its employees, workforce, subsidiaries, suppliers, and customers; the communities in which it operates; and the local and global environment. It must have been developed by an entity with no "material relationship" to the b-corp (see §§ 141 & 149 — Benefit Director, above). The standard must allow the public to know:

1. the identity of the people and organization that developed and control revisions to the standard;
2. the process for revising the standard;
3. how changes to the organization's governing body are made; and
4. where the entity derives its revenue and financial support, and in what amounts, so that any potential conflicts of interests are identifiable.

The act requires a b-corp to select its third-party standard. But a b-corp cannot select or change its standard without approval from (1) the greater of (a) a majority of its directors or (b) the number of directors needed per the bylaws or certificate of incorporation or (2) a vote or written consent of the shareholders who must, under the bylaws or certificate of incorporation, approve such actions.

§ 158 — PHYSICIAN AND APRN PROFILES

By law, DPH must collect certain information to create individual profiles for health care providers to disseminate to the public. The act requires the department to do this for physicians and APRNs regardless of funding but, as under prior law, for other providers, they do so within available appropriations.

The act also adds to the profile information collected (1) whether the health care provider offers primary care services and (2) for an APRN, whether he or she practices independently or in collaboration with a licensed physician.

Existing law requires DPH, within available appropriations, to collect profile information on various other health care providers, including dentists, chiropractors, optometrists, podiatrists, natureopaths, dental hygienists, and physical therapists. Among other things, the department collects information on the provider's specialty, services, and primary practice location; any professional malpractice judgments; and any criminal conviction or disciplinary action against the provider.

EFFECTIVE DATE: October 1, 2014

§§ 159 & 227 — PCA AND CHILDCARE PROVIDER UNIONS

§ 159 — Approval of Collective Bargaining Agreements

The law allows certain family child care providers and PCAs to collectively bargain with the state over their reimbursement rates and other benefits. Any provision in a resulting contract that supersedes a law or regulation must be affirmatively approved by the General Assembly before the contract can become effective. The act approves such provisions in the contracts between the (1) OEC and Connecticut State Employees Association—Service Employees International Union (CSEA-SEIU, Local 2001) ("childcare workers") and (2) Personal Care Attendant Workforce Council and the New England Health Care Employees Union (District 1199, SEIU).

Tables 3 and 4 show the contract provisions and corresponding superseded statute or regulation, according to the supersedence appendices prepared by OPM and submitted to the General Assembly with the contracts.

Table 3: Statutes and Regulations Superseded in the Childcare Workers' Contract

Provision	*Contract Reference*	*Statute/Regulation*
Rate Review Process	Article 12: Fees and Differentials	CGS § 17b-749(a) (establishes the child care subsidy program)
Establishment of Rates, Fees, and Differentials	Article 12: Fees and Differentials	Conn. Agencies Reg. §§: • 17b-749-13(c)(1) (establishing payment rates) • 17b-749-13(c)(3) (modifying payment rates) • 17b-749-13(c)(6)(a-d) (separate rates for different types of providers) • 17b-749-13(c)(12) (notice before

		modifying payment rates)
National Accreditation and Professional Development Stipends	Article 15, § 3: Professional Development	Conn. Agencies Reg. § 17b-749-13(c)(9)(bonus payments for national accreditation)
Membership of CSEA on Early Childhood Cabinet	Side Letter	CGS § 10-16z (Early Childhood Education Cabinet members) (PA 14-39 also adds one CSEA member to the cabinet)
Eligibility of Child Care Providers	Article 15, § 4: Mandatory Orientation	Conn. Agencies Reg. § 17b-749-12 (notice before modifying payment rates)

Table 4: Statutes and Regulations Superseded in the PCA Contract

Provision	***Contract Reference***	***Statute/Regulation***
Personal Data	Article 5: Union Rights	Conn. Agencies Reg. § 17a-210-14 (disclosure of personal data)
Withholding of Wages	Article 17: Union Security and Payroll Deduction	CGS § 31-71e (withholding of part of wages)
Wages	Article 13: DSS Wages	CGS § 17b-343 (rates of payment for home care services)
Salary Increase at Maximum	Side Letter	CGS § 17b-343 (rates of payment for home care services)

EFFECTIVE DATE: Upon passage

§ 227 — PCA Union Dues

Prior law limited deductions for a PCA's union dues and fees to the payments from the waiver program in which the PCA's consumer was participating. Thus, union dues or fees could not be deducted from the payments of PCAs in non-waiver programs, such as the Connecticut Home Care Program for Elders. The act removes this restriction and instead allows the dues and fees to be deducted from any program covered by the PCA's collective bargaining agreement.
EFFECTIVE DATE: Upon passage

§ 160 — PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

The act extends, from January 1, 2015 to January 1, 2016, the deadline for the governor to approve up to five public-private partnership projects. By law, state Executive Branch and quasi-public agencies may enter into public-private

partnership agreements with private entities to finance, design, construct, develop, operate, or maintain certain facilities. The agreement may authorize any combination of these functions for one or more facilities and must be approved by the governor.

§ 161 — GIFTS OF MONEY TO DORS

The act allows the DORS commissioner to accept a bequest or gift of money and use or hold it for any purpose specified with the bequest or gift. By law, the department may already accept a bequest or gift of personal property and, in certain cases, a gift or devise of real property (e.g., land). (PA 14-188, § 10, contains identical provisions.)
EFFECTIVE DATE: Upon passage

§ 162 — ACUTE CARE HOSPITALS ON STATE-OWNED CAMPUSES

The act designates each state-owned campus with an acute care hospital on the premises (i.e., John Dempsey Hospital on the UConn Health Center (UCHC) campus) as the primary service area responder (PSAR) for that campus. By law, an individual injured in a primary service area waits for the PSAR (based on the severity of the emergency) to be dispatched to transport him or her to the appropriate hospital. In practice, this required a private ambulance service to transport some patients to John Dempsey Hospital. The act allows the UCHC fire department to treat and transport such patients.
EFFECTIVE DATE: October 1, 2014

§§ 163 & 164 — EXEMPTION FOR CHARTER OAK STATE COLLEGE FROM CERTAIN SEXUAL ASSAULT POLICY REQUIREMENTS

PA 14-11 expands the scope of the programming and campaigns that public and independent higher education institutions must, by law, provide for their students on sexual assault and intimate partner violence prevention and awareness. This act exempts Charter Oak State College from the requirement to provide the programming and campaigns.

PA 14-11 also establishes, effective July 1, 2014, several requirements concerning the institutions' responses to sexual assault. This act exempts Charter Oak from requirements in PA 14-11 for institutions to:

1. report annually to the Higher Education and Employment Advancement Committee on their policies, prevention and awareness programming and campaigns, and the number of incidents, disciplinary cases, and confidential or anonymous reports, involving sexual assault, stalking, and intimate partner violence;
2. establish a campus resource team to review their policies and recommend protocols for providing support and services to students and employees who report being victims;
3. enter into a memorandum of understanding with at least one community-based sexual assault crisis service center and one community-based

domestic violence agency that (a) establishes a partnership with the service and agency and (b) ensures that victims can access free and confidential counseling and advocacy services, either on or off campus; and

4. ensure that their Title IX coordinator and special police force, campus police force, or campus safety personnel are educated in the awareness and prevention of sexual assault, stalking, and intimate partner violence, and in trauma-informed response.

§§ 165-168 — CERTIFIED HISTORIC STRUCTURE REHABILITATION TAX CREDITS

Consolidated Programs

The act consolidates two DECD programs that provide tax credits to people and business entities rehabilitating certain historic structures. It sunsets the former, separate programs by barring the DECD commissioner from reserving tax credits under them starting July 1, 2014. Taxpayers awarded credits under these programs before that date may continue to carry forward and claim unused credits for up to five years, as the law allows.

The consolidated program, which starts on July 1, 2014, contains many elements of the separate programs. The act retains their current tax credit amount of 25% of eligible expenditures (30% of these expenditures for projects that include affordable housing) but imposes new project and annual program caps. As under prior law, the credits are applied against insurance premium, corporation business, air carrier, railroad company, cable and satellite TV, and utility company taxes.

Eligible Property

As under prior law, to be eligible for rehabilitation, properties must be (1) listed individually on the National or State Register of Historic Places or (2) located in a district listed on either register and certified by the state historic preservation officer as contributing to the district's historic character.

Eligible Reuses

The separate and the consolidated programs base eligibility for the credits on the historic status of the property and how it will be used after rehabilitation. One of the sunsetted programs provides credits for rehabilitating historic property for residential reuse (five or more units), while the other program provides credits for rehabilitating historic property for mixed or strictly nonresidential reuses.

The consolidated program combines both types of reuse. But the consolidated program, like the separate programs, bases eligibility on a definition specifying the range of eligible reuses (certified rehabilitation) not referred to in the provisions governing approval of proposed projects. Consequently, a project proposing to rehabilitate a certified historic structure qualifies for a tax credit regardless of its proposed reuse.

Applying for Credits

As under prior law, to seek a tax credit before beginning rehabilitation work, the owner must submit certain information to the state historic preservation officer. The act requires that this include a plan for a determination of whether the rehabilitation work meets the U.S. interior secretary's Standards for Rehabilitation (36 CFR § 67), instead of state standards. As under prior law, the owner also must submit:

1. a complete description of each phase of rehabilitation, if the work is to be completed in phases;
2. an estimate of qualified rehabilitation expenditures; and
3. for projects that include affordable housing units, the number of affordable housing units to be created, their proposed rents or sale prices, and the median income of the municipality where the project is located.

For projects including affordable units, the owner must also submit this information to the Housing Department. As under prior law, the act allows DECD to charge an applicant up to $10,000 to cover the programs' administrative costs.

Credit Amounts and Caps

The owner can claim tax credits in the tax year in which a certified historic structure has been rehabilitated to a point that would allow for occupancy of the entire building or an identifiable portion of it. As under the sunsetted programs, the credits equal (1) 25% of a project's qualified rehabilitation expenses or (2) 30% of these expenses if at least (a) 20% of the units are rental units that qualify as affordable housing or (b) 10% of the units are individual homeownership units that qualify as affordable housing. Under the act, for DECD to reserve these credits, the rehabilitation plan must conform to the federal rehabilitation standards mentioned above, rather than state standards. As under prior law, qualified rehabilitation expenses include physical construction costs but not (1) the owner's personal labor; (2) the costs of a new addition, except as required to comply with the state building or fire codes; and (3) non-construction costs (e.g., architectural, legal, and financing fees).

The act caps the total amount of tax credits DECD may reserve under the consolidated program at $31.7 million per year, and caps at $4.5 million the amount of tax credits a project may receive. Prior law capped the total annual amount of tax credits under the sunsetted residential program at $15 million and set the individual cap at $2.7 million. It capped the total annual amount under the sunsetted mixed use program at $50 million for a three-year period, and capped the individual project limit at $5 million.

Affordable Housing Units

The act requires the housing commissioner to review tax credit applications for projects containing affordable housing and issue a certificate if she finds the application contains such housing. As under prior law, no tax credit may be allocated for projects that include affordable housing unless the commissioner issues such a certificate.

By law, the housing commissioner may charge an applicant a fee of up to $2,000 to cover the cost of reviewing affordable housing applications. The act specifies that this fee is in addition to the maximum administrative fee of $10,000 that DECD may charge applicants rehabilitating certified historic structures.

As under prior law, the housing commissioner must monitor affordable housing projects built under the act to ensure they are maintained as affordable for at least 10 years, and may require deed restrictions or other fiscal mechanisms to ensure compliance with project requirements. Also, as under prior law, she may adopt regulations, which must include such provisions.

The new program does not include a credit recapture requirement, which was part of the previous mixed-use program. Under prior law, an owner who did not complete the residential portion of a mixed-use property by the date specified in the rehabilitation plan had to repay the entire credit.

Multiple Owners

If a credit is allowed for rehabilitation of a structure that has more than one owner, the act requires the credit to be passed through to such owners, or people designated as partners or members of such owners, (1) on a pro rata basis or (2) according to an agreement among the owners, partners, or members, documenting an alternative distribution method without regard to other tax or economic attributes of the owners. An owner is a person, firm, limited liability company (LLC), nonprofit or for-profit corporation, or other business entity or municipality with title to a historic structure and undertaking its rehabilitation.

Using Credits

The act requires DECD to annually provide to the Department of Revenue Services (DRS) a list detailing (1) the credits approved for the most recent fiscal year and (2) all sales, assignments, and transfers made for that year. It allows DECD to adopt regulations to carry out its purposes, including provisions for filing applications, rating criteria, and timely approval by the department.

As under prior law, unused credits may be carried forward for up to five years.

As under the sunsetted programs, the act allows an owner to sell, assign, or otherwise transfer tax credits, wholly or partially, but it limits to three the number of such transfers. The act adds reporting components not found in the previous programs. If a credit is transferred, whether by the owner or a subsequent transferee, the transferor and transferee must jointly notify DECD in writing within 30 days of the transfer. The notification must include the:

1. transferor's and transferee's tax identification numbers,
2. credit voucher number,
3. date of the transfer,
4. amount of the credit transferred,
5. tax credit balance before and after the transfer, and
6. any other information DECD requires.

Failure to comply results in DECD disallowing the tax credit until the transferor and transferee fully comply and, for a second and third transfer, all subsequent transferors and transferees comply.

Reporting

The act requires DECD, by October 1, 2015 and each year afterwards, to report to the Commerce and Finance, Revenue and Bonding committees on the total amount of tax credits reserved for the previous fiscal year under the act. The reports must include, for each project for which a tax credit has been reserved:

1. the total project costs;
2. for projects eligible for 25% of qualified rehabilitation expenses, (a) the value of the tax credit reservation; (b) a statement of whether the reservation is for mixed use and, if so, the proportion of the project that is not residential; and (c) the number of residential units to be created; and
3. for projects eligible for 30% of qualified rehabilitation expenses, the (a) value of the reservation and (b) percentage of residential units that will qualify as affordable housing.

EFFECTIVE DATE: July 1, 2014, except the tax credit provisions are applicable to income years starting on or after January 1, 2014.

§§ 169-175 & 259 — REPEAL OF HEALTH INFORMATION TECHNOLOGY EXCHANGE OF CONNECTICUT (HITE-CT); ELECTRONIC HEALTH INFORMATION

The act repeals the statutes establishing HITE-CT and makes conforming changes.

Under prior law, HITE-CT was a quasi-public agency designated as the state's lead health information organization. It was responsible for, among other things, (1) developing a statewide health information exchange to share such information electronically among health care facilities and professionals, public and private payors, government agencies, and patients and (2) providing grants to advance health information technology and exchange in the state, within available resources.

Transfer of Certain Responsibilities to DSS

The act transfers, from HITE-CT to the DSS commissioner, the responsibility to (1) implement and periodically revise the statewide health information technology plan and (2) establish electronic data standards to facilitate the development of integrated electronic health information systems for use by health care providers and institutions that receive state funding. The DSS commissioner must do this in consultation with DPH and DMHAS. By law, the statewide plan must include, among other things, (1) such electronic data standards and (2) general standards and protocols for health information exchange.

The act requires the DSS commissioner, when complying with certain existing requirements regarding the plan's contents, to consider advice that human services advisory boards and councils may provide to him.

It requires the DSS commissioner to develop uniform electronic health information technology standards for use throughout DCF, DDS, DMHAS, DOC, and DPH. If one of these agencies plans to revise the health information technology plan, it must submit the revised plan to the DSS commissioner for his

approval before implementation. If the commissioner grants an approval that requires additional funding, he must submit the revisions to the OPM secretary.

The act requires the DSS commissioner to annually submit the statewide health information technology plan, as revised, to the Appropriations, Human Services, and Public Health committees. The first submission is due January 1, 2015.

§ 176 — GO BACK TO GET AHEAD

The act establishes the "Go Back to Get Ahead" program, administered by BOR to encourage individuals to return to a higher education institution and earn a degree if they (1) dropped out before completing an associate's or bachelor's degree program or (2) received an associate's degree and seek to advance their educational attainment.

Within available resources and subject to BOR guidelines, the act allows eligible participants to receive up to three free three-credit courses required to complete an associate's or bachelor's degree program. An eligible participant is someone who:

1. resides in Connecticut;
2. has either (a) previously enrolled in an associate's or bachelor's degree program at any public or private college or university and left before completing it or (b) received an associate's degree and seeks to enroll in a bachelor's degree program;
3. has not attended any college or university for at least 18 months, as of June 30, 2014; and
4. enrolls in an associate's or bachelor's degree program by September 30, 2016 at a CSUS institution, a Connecticut regional community-technical college, or Charter Oak State College.

§ 177 — DESIGNATION OF AREAS WITHIN THE TOWNS OF WALLINGFORD AND THOMASTON AS ENTERPRISE ZONES

The act creates two additional enterprise zones by requiring the DECD commissioner to approve the designation of zones in Wallingford and Thomaston beginning July 1, 2014. The act describes these municipalities respectively as having a population (1) of up to 50,000 in which a U.S. Postal Service processing center that at any time employed at least 1,000 people is located and (2) between 7,800 and 7,900 and an area of up to 12.2 square miles.

The area in Wallingford can only be designated as an enterprise zone for five years from the date any portion of the designated zone is transferred, provided the transfer occurs on or after July 1, 2014.

Generally, municipalities must be considered "distressed municipalities" to designate an area as an enterprise zone, and the designated area must meet certain poverty or unemployment criteria. The act allows Wallingford and Thomaston to designate areas as enterprise zones without meeting these criteria.

Under the act, the areas designated as enterprise zones in Wallingford and

Thomaston must consist of two contiguous census tracts, contiguous portions of such tracts, or all or a portion of an individual census tract, according to the most recent census. If a designated area is covered by zoning, a portion of the area must be zoned for commercial or industrial activity. Businesses located in these zones receive the same benefits as those in existing enterprise zones, including property and real estate conveyance tax exemptions for developing facilities and a 10-year corporation business tax credit for newly formed businesses in the zones.

§ 178 — DSS GRANT TO ROSE CITY SENIOR CENTER IN NORWICH

On January 9, 2014, the State Bond Commission allocated $690,000 in bonds to DSS for a grant to the Rose City Senior Center in Norwich for roof, flooring, and exterior improvements. By law, DSS provides grants to municipalities for improving senior centers, child care facilities, emergency shelters, and other similar facilities. Each grant may cover up to two-thirds of the cost, thus requiring the municipalities to obtain funds from other sources for the remaining third. The act exempts the Rose City Senior Center project from this requirement, thus allowing DSS to fund the entire project.

EFFECTIVE DATE: Upon passage

§§ 179 & 260 — COURT FEES AND LEGAL SERVICES FOR THE POOR

The act makes permanent certain court filing fee increases and fees that took effect July 1, 2012 and were set to expire on July 1, 2015.

It also raises, from 70% to 95%, the portion of revenue received from these fee increases that the chief court administrator must transfer to the organization administering the Interest on Lawyers' Trust Accounts (IOLTA) program to fund legal services for the poor. Accordingly, it decreases, from 30% to 5%, the portion of the increase that the administrator must transfer to the Judicial Data Processing Revolving Fund for the Judicial Branch's informational data processing system.

The act also makes permanent another fee that was scheduled to be reduced. This fee is not tied to the transfer to IOLTA or the revolving fund. The fee is for applications to dissolve one of the following types of liens and substitute a bond with surety: a mechanic's lien on real property, vessel lien, bailee for hire's lien on personal property, purchaser's lien on real property, or aircraft lien. The fee was set at $350 beginning July 1, 2013, but under prior law was scheduled to be reduced to $300 on July 1, 2015. The act eliminates this reduction and maintains the fee at $350.

EFFECTIVE DATE: July 1, 2014 for the changes in the allocation of the fee increases; October 1, 2014 for the extension of the fee increases.

Extension of 2012 Fee Increases

PA 12-89 increased certain fees, and imposed new fees, for filing various court actions and motions in Superior Court. Under that act, the fee increases and new fees were scheduled to expire on July 1, 2015. This act makes them

permanent.

Table 5 shows the scheduled reduction under prior law and the continuing fees under this act.

Table 5: Fee Increases and Fees Extended by the Act

Action or Motion	*Reduced Fee Under Prior Law as of July 1, 2015*	*Continuing Fee Under Act*
Filing civil case generally (there are different fees for certain types of cases)	$300	$350
Filing case in which the sole claim for relief is damages and the amount, legal interest, or property in demand is less than $2,500	175	225
Filing small claims case*	75	90
Filing counterclaim in small claims case	0	90
Motion for admittance as attorney pro hac vice	0	600
Filing counterclaim, cross complaint, apportionment complaint, or third-party complaint	0	200
Motion to modify judgment in a family relations matter	125	175
Application from judgment creditor for enforcement of an unsatisfied judgment, including debts due from financial institutions or other sources, and wage executions against a judgment debtor who fails to comply with an installment payment order	75	100

*By raising the small claims filing fee, PA 12-89 also increased certain fees that are set by law in an amount equal to that fee (e.g., appeals of penalties for certain municipal matters (see CGS §§ 7-152b, 7-152c, and 47a-6b)).

§§ 180-185 — CONNECTICUT RETIREMENT SECURITY BOARD AND MARKET FEASIBILITY STUDY

The act creates the Connecticut Retirement Security Board and requires it to (1) conduct a market feasibility study on implementing a publicly administered retirement savings plan and (2) develop a comprehensive proposal for implementing the plan that must include certain goals and design features. The board must submit:

1. a report on the feasibility study's status to the governor and Labor Committee by May 1, 2015;

2. a report on the study's results to the governor and Labor Committee by January 1, 2016; and
3. the comprehensive proposal to the governor, General Assembly, Senate president pro tempore, and House speaker by April 1, 2016.

Connecticut Retirement Security Board

Membership. The act establishes a 14-member board that includes the state comptroller, state treasurer, labor commissioner, and OPM secretary, or their respective designees. Table 6 lists the appointing authority, qualifications, and initial terms for the other 10 appointed board members.

Table 6: Appointed Board Members and Qualifications

Appointing Authority	*Required Qualifications*	*Initial Term*
Senate president pro tempore	Retirement plan design expert	Four years
House speaker	Senior citizen advocacy organization representative	Four years
Senate majority leader	Labor union representative	Four years
House majority leader	Private-sector employee retirement plan option manager	Four years
Senate minority leader	Expertise in designing retirement plan options for businesses	Three years
House minority leader	Expertise in consumer retirement planning	Three years
Governor	Potential plan participant	Three years
Governor	Expertise in the federal Employment Retirement Income Security Act (ERISA), the Internal Revenue Code, or both	Three years
State comptroller	Experience in investment matters	Three years
State treasurer	Experience in investment matters	Three years

All appointments to the board must be made by July 31, 2014. Following the expiration of their initial terms, subsequent legislative leader and gubernatorial appointees will serve three-year terms. Any vacancy must be filled by the appointing authority within 30 calendar days. Previously appointed board members may be reappointed.

The comptroller and the treasurer must serve as board chairpersons and hold the first board meeting by August 10, 2014. The board must meet at least monthly.

Each member must, within 10 calendar days after appointment, take an oath to diligently and honestly administer the board's affairs and not knowingly violate or willingly permit violations of the applicable trust law. Each member's term begins when the member takes the oath, which must be administered by the comptroller or treasurer. A majority of the members constitute a quorum.

The act requires each trustee to file a statement of financial interests, as described by law, with the board and Office of State Ethics. The statement is a public record. The members serve without pay but, within available appropriations, receive reimbursements for travel and other necessary expenses. The board is within the Comptroller's Office for administrative purposes only.

Board Functions

In addition to conducting the feasibility study and developing the comprehensive proposal, the board may, under the act:

1. enter into contracts for any legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing, and consulting services needed and pay for them with funds in an account the act requires the comptroller to establish (see below);
2. form working groups as necessary to (a) solicit feedback from key stakeholders on the plan's design, (b) advocate for changes in federal retirement law to improve retirement security, (c) assess the plan's impact on reducing public assistance costs for the elderly in the state, and (d) determine if changes in federal or state tax law would help employees in the state save for retirement;
3. accept any bequest, devise, or gift of money or personal property, and use it for the purposes the bequest, devise, or gift specifies; and
4. apply for grants or financial assistance from any person, group, corporation, or state or federal agency.

Board Account

The act requires the comptroller to establish a separate, nonlapsing General Fund account to support the board's required activities. Any grants or financial assistance the board receives must be deposited in this account.

Market Feasibility Study

The board must conduct a market feasibility study to determine whether the goals and design features required for implementing the plan can be accomplished and recommend methods to accomplish them. The study must examine the:

1. likely participation rates,
2. contribution levels,
3. rate of account closures and rollovers,
4. ability to provide employers with a payroll deposit system for remitting employee contributions,
5. funding options for implementing the plan,
6. likely insurance costs and whether the costs should be subject to a limit on annual administrative expenses, and
7. legal compliance needed to ensure that the (a) Roth individual retirement accounts (IRAs) provided by the plan qualify for favorable income tax treatment ordinarily given to IRAs under the Internal Revenue Code and (b) plan is not treated as an employee benefit plan under ERISA.

Implementation Proposal

The act requires the board, after completing the market feasibility study, to develop a comprehensive proposal to implement the plan. It must do this in consultation with qualified employers, potential plan participants, financial service representatives, and other stakeholders. Under the act, qualified employers include any person, corporation, LLC, firm, partnership, voluntary association, joint stock association, or other entity that employs at least five people in Connecticut. It does not include public-sector employers, including any municipality, unit of a municipality, or municipal housing authority.

The board's proposal must include goals and design features that:

1. increase access and enrollment in quality retirement plans without incurring state debts or liabilities;
2. reduce the need for public assistance through a system of prefunded retirement income;
3. minimize the need for plan participants' financial sophistication;
4. promote transparency and accountability in the management of retirement funds through oversight, regular reporting to plan participants, and ethics review of plan fiduciaries;
5. pay all expenses, including employee costs, incurred to implement, maintain, advertise, and administer the plan from money collected by or for the trust (which presumably will be established to hold deposits in the retirement plan);
6. provide plan portability by keeping IRAs for each plan participant (i.e., allow an employee's account to follow him or her through different employers);
7. have low administrative costs limited to an annual predetermined percentage;
8. provide an annuitized benefit with options for converting to a lump sum payout upon retirement and spousal and preretirement death benefits to enable a participant to bequeath assets to beneficiaries;
9. provide an annually predetermined guaranteed rate of return and procure insurance, as needed, to guarantee it;
10. implement a default contribution rate and allow participants to change their contribution levels;
11. comply with all applicable federal or state laws, rules, and regulations;
12. ensure that plan participants and IRAs qualify for the favorable federal income tax treatment ordinarily given to IRAs under the Internal Revenue Code;
13. ensure the plan is not treated as an employee benefit plan under ERISA;
14. contain a process to (a) determine employer, employee, or anyone else's participation in the plan and (b) ensure mandatory participation by qualified employers that do not offer employer-sponsored plans;
15. provide a process for a qualified employer to credit a plan participant's contributions to his or her IRA through payroll deposit;
16. give an employer immunity for investment returns, plan design, and retirement income paid to plan participants;

17. provide a process for streamlined enrollment of plan participants, including automatic enrollment unless an employee chooses to opt out;
18. disseminate education information to potential participants about saving and planning for retirement;
19. establish a secure website to help qualified employers identify vendors of retirement arrangements that the employers could implement instead of the board's plan;
20. legally enforce employer plan obligations;
21. ensure that any assets held for the plan are used to (a) distribute IRA savings balances to plan participants and (b) pay the plan's operation, administrative, and investment costs;
22. ensure that any amounts deposited in the plan do not constitute state property and are not mixed with state funds;
23. ensure that the (a) plan is not construed as a state department, institution, or agency and (b) state has no claim to or against, or interest in, amounts deposited in the plan;
24. ensure that (a) any plan contract or obligation does not constitute a state debt or obligation, (b) the state has no obligation to any designated beneficiary or other person because of the plan, and (c) all amounts obligated to be paid under the plan are limited to amounts available to pay such an obligation;
25. ensure that the plan will continue to exist as long as it holds any deposits or has any obligations and until its existence is terminated by law and, upon termination, any unclaimed asset returns to the state; and
26. ensure that property used in the plan must be governed by the law that addresses abandoned property held by a fiduciary.

§§ 186-190 — CIVIL PROTECTION ORDERS

Sexual Abuse, Sexual Assault, or Stalking Victims

The act allows the Superior Court to issue a new type of order called a civil protection order to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court order of protection arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order, which, under existing law, is granted only to family and household members (see § 120).

Application. The act requires an application for a civil protection order to be accompanied by an affidavit made under oath and include a statement of the specific facts that form the basis for relief.

Ex Parte Order. Under the act, the court may issue an ex parte order granting appropriate relief if it finds reasonable grounds to believe that the applicant is in imminent danger. The act allows the court to consider any relevant court records available to the public from a Superior Court clerk or on the Judicial Branch's website.

The act requires the court clerk to provide two copies of any ex parte orders to the applicant.

Hearing. The court must schedule a hearing within 14 days after receiving an application meeting the above requirements. If the court is closed on the scheduled hearing date, the hearing must be held on the next day the court is open and any ex parte order that was issued must remain in effect until the hearing date.

Service of Process. Under the act, at least five days before the hearing, the applicant must have a notice of the hearing and a copy of the application, affidavit, and any ex parte order served on the respondent by a proper officer, such as a state marshal. The act requires the Judicial Branch to pay the cost of serving process.

The officer, immediately after serving process on the respondent, must send or cause to be sent, by fax or other means, a copy of the application, or the information contained in it, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town where the (1) applicant resides, (2) applicant is employed, and (3) respondent resides.

Order after Hearing. Under the act, the court, may make such orders as it deems appropriate to protect the applicant if it finds reasonable grounds to believe that the respondent (1) has committed an act or acts constituting grounds for it to issue an order and (2) will continue to commit such an act or acts designed to intimidate or retaliate against the applicant.

The act allows the court to consider any relevant court records available to the public from a Superior Court clerk or on the Judicial Branch's website.

Under the act, a civil protection order may include an order prohibiting the respondent from:

1. imposing any restraint on the applicant's person or liberty;
2. threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; and
3. entering the applicant's dwelling.

Duration and Termination. Under the act, a civil protection order, whether issued ex parte or after a hearing, must not exceed one year, unless extended by the court. The act allows the court to extend the order if:

1. the applicant filed a proper motion,
2. a proper officer has served the respondent a copy of the motion,
3. no other protection order based on the same facts and circumstances is in place, and
4. the need for protection still exists.

Notice of Order. When a court grants an order after notice and hearing, the clerk must provide two copies of it to the applicant and a copy to the respondent. The act also requires every such order to be accompanied by a notice that complies with the federal full faith and credit provisions.

Distribution of Orders. The clerk must send, by fax or other means, a copy of any ex parte order and any order issued after notice and hearing, or the information contained in it:

1. to the law enforcement agency or agencies for the town where the (a) applicant resides, (b) applicant works, and (c) respondent resides, within 48 hours after the issuance of the order and
2. at the applicant's request, to the (a) school or higher education institution

at which he or she is enrolled, (b) president of such a higher education institution, and (c) special police force established, if any, at the institution.

The act specifies that an action for a civil protection order does not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

Penalties for Civil Protection Order Violations

The act makes it a crime for someone who has a civil protection order against him or her and knows of its terms to violate the order. Criminal violation of a civil protection order is a class D felony (see Table on Penalties).

The act makes it 1st degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil protection order. By law, 1st degree criminal trespass is a class A misdemeanor (see Table on Penalties).

Protective Orders Registry

The act expands the chief court administrator's automated protective orders registry by requiring that it also include civil protection orders. Under prior law, the registry contained (1) protective or restraining orders issued by Connecticut courts and (2) foreign protective orders registered in Connecticut. By law, the registry must clearly indicate the orders' start and end dates, if specified, and duration.

State Marshals – Civil Process

The act expands the duties of state marshals by authorizing them to serve civil protective orders. It specifies that such orders constitute civil process.

Under the act, the Judicial Branch must pay the cost of serving civil protective orders in the same way it pays the cost of serving civil restraining orders. Fees and expenses associated with the serving of such process must be calculated in the same way they are for other types of service of process.

EFFECTIVE DATE: January 1, 2015

§ 191 — FAMILY VIOLENCE VICTIM ADVOCATES

The act requires the chief court administrator to allow one or more family violence victim advocates to provide services to domestic violence victims in the Superior Court's family division in one or more judicial districts in the state.

Under the act, a "family violence victim advocate" is a person:

1. employed by and under the control of a direct service supervisor of a domestic violence agency (e.g., an office, shelter, or agency that meets DSS criteria and helps domestic violence victims through crisis intervention, emergency shelter referral, and medical and legal advocacy);
2. who has completed at least 20 hours of training on the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil

family court systems, and state and community resources for victims of domestic violence;
3. certified as a counselor by the domestic violence agency that provided the training; and
4. whose primary purpose is rendering advice, counsel, and assistance to, and advocating for, domestic violence victims.

EFFECTIVE DATE: January 1, 2015

§ 192 — FEDERALLY QUALIFIED HEALTH CENTER (FQHC) DOCUMENT FILING DEADLINE

The law requires FQHCs, on January 1 annually, to file the following with DSS for the previous fiscal year: (1) a Medicaid cost report, (2) audited financial statements, and (3) any additional information DSS reasonably requires. The act allows an FQHC that does not use the state fiscal year calendar to file the required documents within six months after its fiscal year ends.

FQHCs are community-based clinics that provide primary and preventive health care services to "medically underserved" populations or areas without regard to a patient's ability to pay.

§ 193 — DSS REIMBURSEMENT FOR ELECTRONIC PRESCRIPTIONS FOR DURABLE MEDICAL EQUIPMENT

The act requires the DSS commissioner, by July 1, 2014, to accept electronic transmission of prescriptions for reimbursement under the medical assistance program for durable medical equipment, including wheelchairs, walkers, and canes. The prescriptions must be electronically signed by a licensed health care provider with prescriptive authority.

EFFECTIVE DATE: Upon passage

§ 194 — DSS HOSPITAL PAYMENT EVALUATION AND PAY-FOR-PERFORMANCE PROGRAM FOR CERTAIN PROVIDERS

The law requires DSS to reimburse acute care and children's hospitals for serving Medicaid recipients based on diagnostic related groups (DRGs) that the DSS commissioner establishes and periodically rebases. Such a system permits payment based on the severity of each patient's illness. In practice, DSS is in the process of implementing this system.

Under the act, when DSS converts to the DRG payment methodology, the commissioner must evaluate such payments for all hospital services, including conducting a review of pediatric psychiatric inpatient hospital units. The act allows the DSS commissioner, within available appropriations, to implement a pay-for-performance program for pediatric psychiatric inpatient care.

§ 195 — PAYMENT RATES AT RESIDENTIAL CARE HOMES (RCH)

The act allows the DSS commissioner, at his discretion, to waive specified

DSS regulations and make other changes to RCH cost reporting for rate-setting for FY 15, subject to available appropriations. Such changes could affect rates paid by DSS to RCHs. By law, for FY 14 and FY 15, DSS may increase rates, within available appropriations and other limits, for those facilities with a calculated rate greater than the one in effect in FY 13.

By law, RCHs providing services to Medicaid recipients must provide annual cost reports to DSS. DSS generally uses these reports to calculate a per-diem rate to pay the homes to provide services to Medicaid recipients.

Allowable Changes

Under the act, the commissioner may increase, to a maximum of 5%, the inflation cost limitation on certain costs reported by RCHs. By regulation, this limitation applies to (1) dietary expenses; (2) laundry; (3) housekeeping; and (4) routine nursing care, excluding care provided at nonmedical facilities (e.g., homes for the aged).

DSS regulations require the agency to calculate an allowance for RCH real property costs (e.g., costs for land, buildings, and non-moveable equipment) in part by applying a rate of return (ROR) on the value of part of the property and adjusting that ROR after 10 years. The act allows the commissioner to change the ROR for real property by:

1. establishing a 5% minimum ROR on real property, including property acquired in FY 13;
2. waiving the standard ROR for property costs for (a) ownership changes or (b) health and safety improvements exceeding $100,000 required under a DPH consent order; and
3. waiving the ROR adjustment to avoid financial hardship (presumably, for the RCH).

§ 196 — SALES AND USE TAX EXEMPTION FOR SALES TO CONNECTICUT CREDIT UNIONS

The act exempts sales of goods or services to Connecticut credit unions from the sales and use tax. A Connecticut credit union is a credit union that:

1. is a cooperative, nonprofit financial institution organized under, and the membership of which is limited by, Connecticut law;
2. operates for the benefit and general welfare of its members with the earnings, benefits, or services offered being distributed to, or retained for, its members; and
3. is governed by a volunteer board of directors elected by and from its membership.

Sales to federally chartered credit unions are already exempt from the Connecticut sales and use tax.

EFFECTIVE DATE: July 1, 2016, and applicable to sales occurring on or after that date.

§ 197 — STATEWIDE PLAN TO PROVIDE EDUCATION, TRAINING, AND JOB PLACEMENT IN EMERGING INDUSTRIES

The act requires the Connecticut Employment and Training Commission (CETC) to develop, in collaboration with regional workforce development boards, a statewide plan and funding proposal to implement, expand, or improve on contextualized learning, career certificate, middle college, and early college high school programs. The programs must provide education, training, and placement in available jobs in manufacturing, health care, construction, green industries, and other emerging sectors of the state's economy. CETC must report to the Higher Education and Employment Advancement Committee on the plan by January 1, 2015. It must report to the committee on the four programs by September 1, 2015, and annually thereafter.

Programs Under the CETC Statewide Plan

Contextualized Learning. The act defines "contextualized learning" as an educator-designed learning environment that incorporates experiences, including social, cultural, physical, and psychological experiences, to achieve desired learning outcomes.

Career Certificate Program. By law, the education commissioner may award career certificates to high school and postsecondary school students who successfully complete school-to-career programs approved by the education and labor commissioners. The school-to-career programs must consist of school- and work-based instruction and connecting activities that coordinate them (CGS § 10-20a).

Middle College Program. The act defines a "middle college program" as a collaboration between a school district's high schools and a regional community-technical college or four-year college or university where a student can:

1. take core high school courses or college-level courses for college credit and
2. attribute all earned credits from the courses toward a college or university program in which the student enrolls upon middle college graduation.

Early College High School. The act defines "early college high school" as a school attended by students underrepresented in colleges and universities, including low-income youth, first-generation college students, English language learners, and minority students. This school allows students to simultaneously earn, tuition-free, a high school diploma and (1) an associate's degree or (2) up to two years of credit toward a bachelor's degree.

§ 198 — TWO-GENERATIONAL SCHOOL READINESS PLAN

The act requires the Commission on Children to establish a two-generational school readiness plan, within available appropriations, and by December 1, 2014, report on the plan to the Appropriations, Children's, Education, and Higher Education and Employment Advancement committees. The plan must promote long-term learning and economic success for low-income families by addressing

intergenerational barriers to school and workforce readiness through (1) high quality preschool, (2) intensified workforce training, (3) targeted education, and (4) related support services.

The act requires the commission's plan to include recommendations for:

1. promoting and prioritizing access to high quality early childhood programs for children up to five years old living at or below 185% of the federal poverty level;
2. providing the parents of such children with (a) the opportunity to acquire their high school diplomas, (b) adult education, and (c) technical skills to increase their employability and sustainable employment; and
3. funding the plan's implementation by using the Temporary Assistance for Needy Families program and other federal, state, and private sources.

EFFECTIVE DATE: Upon passage

§ 199 — FINANCIAL LITERACY INSTRUCTION

The act allows BOR, SDE, and the UConn Board of Trustees (BOT), in consultation with the Department of Banking, to develop a plan to provide students in public high schools and state higher education institutions with financial literacy instruction, including the impact of using credit and debit cards. The instruction may be provided during a public high school student's final year and by the end of the second semester for students at state higher education institutions.

The act also requires (1) BOR, BOT, and SDE to work with the Banking Department to secure federal, state, or private funding to implement the plan and (2) the SDE and banking commissioners, BOR president, and BOT chairperson to report on the plan status to the Banks Committee by January 1, 2015.

§ 200 — WATER UTILITY COORDINATING COMMITTEE (WUCC) CONSULTANT CONTRACTS

The act increases, from $200,000 to $250,000, the cap on contracts the DPH commissioner may enter into with consultants to provide services to WUCCs.

The state is divided into seven management areas based on factors such as similarity of water supply problems, proliferation of small water systems, groundwater contamination, and over-allocated water resources. DPH convenes a WUCC for a particular public water supply management area to address these issues. A WUCC consists of one representative from each (1) public water system with a supply source or service area in the management area and (2) regional planning agency in the management area (CGS §§ 25-33d to -33j).

§§ 201-203 — INTERNET SWEEPSTAKES CAFES

The act makes it a class A misdemeanor (see Table on Penalties) to conduct or promote a sweepstakes or promotional drawing that (1) is not related to the bona fide sale of goods, services, or property or (2) uses a simulated gambling device.

Such operations are often referred to as "Internet sweepstakes cafes," which are storefronts that sell products (e.g., phone cards or Internet time) that provide entries into a sweepstakes game that may yield cash prizes. Customers who buy the product are given a specified amount of entries in the sweepstakes. Customers can determine if they have won immediately or by playing a slot-like program. If they have a positive balance, they can redeem the entries for cash. The act subjects violators who use any simulated gambling device or premises in operating an Internet sweepstakes cafe to additional enforcement actions and penalties.

The act allows retail grocery store chains to conduct sweepstakes for discounts using a simulated gambling device when the sweepstakes are related to grocery sales. It also (1) defines and modifies terms related to Internet sweepstakes cafe devices, premises, and other items, among other things, and (2) makes minor, technical, and conforming changes.

Simulated Gambling Devices and Gambling Premises

Under the act, a "simulated gambling device" is any mechanically, electrically, or electronically operated machine, network, system, or device that:

1. is intended to be used by an entrant to a sweepstakes or a promotional drawing;
2. displays a simulated gambling display on a screen or mechanism; and
3. is owned, leased, or possessed by a sponsor or a promoter, or any partners, affiliates, subsidiaries, or contractors.

A "simulated gambling display" is visual or aural information that takes the form of actual or simulated gambling or gaming play, including a video game version of:

1. poker or any other playing card game;
2. a slot machine or other game based on or involving the random matching of different pictures, words, numbers, or symbols;
3. bingo;
4. craps;
5. keno; or
6. lotto.

The act makes any simulated gambling device used in, or premises used for, illegal sweepstakes or promotional drawings a "common nuisance." It also (1) allows peace officers to seize such devices upon detection and (2) subjects the premises and the people affiliated with the premises to existing gambling premises law.

By law, any license, permit, or certificate associated with a gambling premises is voided and cannot be reissued for 60 days. If the owner, lessee, agent, employee, operator, or occupant knowingly maintains, aids, or permits the gambling premises, he or she is guilty of a class A misdemeanor (see Table on Penalties). It is a class D felony (see Table on Penalties) if such person does so (1) at any locked, barricaded, or camouflaged place; (2) with any electrical or mechanical alarm or warning system; or (3) with a lookout (CGS § 53-278e).

Grocery Store Exemption

The act allows retail grocery chains to conduct or promote sweepstakes using simulated gambling devices if the sweepstakes are related to grocery sales and the prizes are (1) not redeemed or redeemable for cash and (2) only used as a discount for items purchased from the store. A retail grocery chain is an operator or franchisor of five or more retail establishments whose primary business is selling groceries.

Sweepstakes and Promotional Drawings

Under prior law, "sweepstakes" were legal contests or games where a prize was distributed by lot or chance. The act (1) expands sweepstakes to include competitions, schemes, or plans and (2) requires sweepstakes to be conducted by a sponsor or promoter only for advertising or promotional purposes related to the sale of goods, services, or property. By law, unchanged by the act, a person does not need a permit or license to operate sweepstakes in Connecticut.

Under prior law, a "sponsor" was someone on whose behalf a sweepstakes was conducted to advertise his or her goods or services. The act (1) requires sponsors to primarily be in the business of selling goods, services, or property and (2) allows sponsors to authorize a sweepstakes or promotional drawing to be conducted to promote or advertise their property, in addition to goods or services. It also makes conforming changes to the "promoter" and "prize" definitions to include promotional drawings.

§§ 204-206 — NEGLECTED CEMETERIES

The act establishes a "neglected cemetery account," funded by fees DPH receives for death certificates, as a separate, nonlapsing General Fund account. The act requires OPM to use the account's funds for municipal maintenance of neglected burial grounds and cemeteries. It allows municipalities to apply for funds on a form and in the manner the OPM secretary prescribes.

The act protects municipalities and their employees, officers, and agents from civil or criminal liability arising from their care and maintenance of a neglected burial ground or cemetery. It also specifically allows municipalities to mow the lawns of neglected burial grounds or cemeteries, and makes minor and technical changes regarding municipal authority to care for such sites.

By law, municipalities can undertake certain maintenance of burial grounds or cemeteries that (1) have more than six places of internment; (2) are not under the control or management of a functioning cemetery association; and (3) show certain signs of neglect, including weeds and damage to fences.

EFFECTIVE DATE: October 1, 2014

§§ 207 & 249 — OPTIONAL METHOD OF FORECLOSURE

The act changes the effective date of PA 14-84, from October 1, 2014 to January 1, 2015. PA 14-84 establishes an optional method of foreclosure for

certain residential properties, called "foreclosure by market sale," which is a court-approved sale on the open market upon the mortgagee's (lender's) request and with the mortgagor's (borrower's) consent.
EFFECTIVE DATE: Upon passage with a conforming change effective January 1, 2015.

§§ 208 & 256 — OPERATION FUEL

The act annually transfers $1.1 million collected through the systems benefits charge (SBC) to Operation Fuel, beginning July 1, 2014. The act allows $100,000 of that sum to be used for administrative purposes. By law, the SBC is a charge on electric company bills that covers the cost of implementing various public policies. Operation Fuel is a nonprofit organization that provides limited energy assistance to households that are ineligible for other programs or have exhausted benefits under those programs.

The act also repeals a provision in PA 14-47 that transferred $500,000 from the SBC to Operation Fuel for FY 15.
EFFECTIVE DATE: Upon passage

§ 209 — REMEDIAL SUPPORT FOR HIGHER EDUCATION STUDENTS

The act increases the remedial support the four Connecticut State Universities and 12 regional community-technical colleges (CTCs) must offer to help students succeed in college-level courses. It requires these institutions to provide remedial support to eligible students strictly through a three-tiered remediation system that uses supports and programs both embedded in and independent of required coursework. Remediation tiers in the act consist of (1) embedded support, as described in existing law; (2) intensive semester-long support; and (3) transitional college readiness programs. The act also delays, from fall 2014 to fall 2015, a requirement that CTCs provide embedded support in entry-level classes.

Table 7 describes the remediation types and required phase-in timeline under prior law and the act.

Table 7: Remediation Types and Timelines

Remediation under Prior Law (CGS § 10a-157a)	***Remediation under the Act***
Embedded Support. By fall 2014, CSUS institutions and CTCs must offer embedded remedial support within entry-level classes to any student found likely to succeed in college level work with such support, based upon multiple commonly accepted measures of skill level.	*Embedded Support.* CSUS institutions and CTCs must offer embedded remedial support to eligible students as required under existing law. However, CTCs are not required to begin offering such support until fall 2015.
Non-embedded support (optional). Beginning fall 2014,	*Intensive Semester-Long Support.* By fall 2015, CSUS

CSUS institutions and CTCs may offer any eligible student a maximum of one semester of non-embedded support, as long as it is (1) intended to advance the student toward earning a degree and (2) a remedial program approved by BOR.	institutions and CTCs must offer intensive semester-long support to any student below the skill level for college success even with supplemental support. Intensive support must (1) provide necessary skills for entry level college course placement and (2) allow a student to repeat it at least once, subject to the institution's course repeat policy.
Intensive College Readiness Program. By fall 2014, CSUS institutions and CTCs must offer an intensive college readiness program to any student found to be below the skill level required for success in college work. The institution must offer the program before the start of the upcoming semester, prior to the student receiving embedded support.	*Transitional College Readiness Program.* By fall 2015, CSUS institutions and CTCs must offer a transitional college readiness program to any student below the skill level required for success in an intensive semester of remedial support, prior to (1) the start of the upcoming semester and (2) receiving embedded or intensive support.

The act also allows BOR and SDE to enter into a MOU to deliver a transitional college readiness program that enables adults to enroll directly in a college or university upon completion. It requires BOR, in consultation with Connecticut's P-20 Council and the BOR Faculty Advisory Committee, to develop options for this program by the start of the fall 2014 semester.

§ 211 — YOUTH EMPLOYMENT PROGRAM

The act requires $1 million of the $5.5 million FY 15 appropriation for DOL's Connecticut Youth Employment Program to be distributed through the Workforce Investment Boards (WIB) to the following cities' FY 15 youth employment programs:

1. Bridgeport, up to $164,000;
2. East Hartford, up to $65,000;
3. Hartford, up to $172,000;
4. Meriden, up to $71,000;
5. New Britain, up to $87,000;
6. New Haven, up to $149,000;
7. Stamford, up to $123,000;
8. Waterbury, up to $143,000; and
9. Windham, up to $26,000.

The act prohibits any WIB from using more than 5% of the distributed funds for administrative costs. It also requires each WIB, by January 1, 2015, to submit

a report to the Appropriations Committee on the distributed funds' use. The report must include (1) the number of youths served by each municipality receiving funds, (2) the types of employment in which participants engaged, (3) the ages of those served, and (4) their employment retention rate.

The state's five WIBs are responsible for oversight, strategic planning, and policymaking related to workforce development activities provided through local One-Stop CTWorks Career Centers. Among other things, they administer the DOL's Youth Employment Program, which helps high school-age students find summer jobs, and offers various training and mentoring programs.

§ 212 — SOUTHEASTERN CONNECTICUT BIOSCIENCE BUSINESS DEVELOPMENT PROGRAM

The act creates a program to promote the development of bioscience and biotechnology businesses in the Southeastern Connecticut Planning Region. It does so by requiring DECD to (1) develop such a program, in consultation with Connecticut Innovations, Inc., Connecticut United Research for Excellence, Inc., the Southeastern Connecticut Enterprise Region, the Chamber of Commerce of Eastern Connecticut, and other organizations in the region with expertise in fundraising, networking, marketing, and forming or assisting start-up businesses, and (2) establish and administer the program by February 1, 2015.

By February 1, 2017, DECD must include a report on the program in its annual report.

Program Requirements

The program must include:

1. outreach to entrepreneurs, regional community and business leaders, and bioscience and biotechnology experts to (a) determine their needs and objectives and (b) inform them of state resources and programs available to help form bioscience and biotechnology businesses in the planning region;
2. a marketing plan for bioscience and biotechnology development in the region, including the goals, timetable, and budget for the plan and how the organization will identify and market regional assets, such as the region's facilities and talent pool; and
3. a working group of 10 to 15 business and community leaders from the planning region that will encourage networking and planning among professionals from different fields, support the development and occupancy of the incubator at CURE Innovation Commons, assess the program, and make recommendations to DECD on its development and implementation.

EFFECTIVE DATE: October 1, 2014

§§ 214-218 — TRANSFERS TO THE GENERAL FUND

PA 14-47 transfers, from the Tobacco and Health Trust Fund to the General Fund, $1 million in each of FYs 14 and 15 and an additional $3 million in FY 15.

The act (1) repeals the FY 14 transfer, (2) requires the $1 million transfer for FY 15 to be made in FY 14, and (3) makes a technical change to the $3 million FY 15 transfer.

The act makes two additional FY 15 General Fund transfers, from the Biomedical Research Trust Fund and Private Occupational Student Protection account, effective upon passage, rather than July 1, 2014.

EFFECTIVE DATE: Upon passage, except the technical change is effective July 1, 2014.

§ 219 — MUNICIPAL PENSION DEFICIT FUNDING BONDS

The law allows municipalities to issue bonds to pay for unfunded past pension obligations. If a municipality issues such bonds, it must appropriate money for, and contribute to its pension plan, at least the actuarially required contribution (ARC) in each fiscal year that it has outstanding bonds for the plan. The ARC is (1) established by the plan's actuarial valuation, (2) based on generally accepted accounting principles, and (3) generally set according to a fixed payment schedule that cannot exceed the longer of 10 years or 30 years from the date when the bonds were issued.

The act exempts any municipality in New Haven County with a population of less than 65,000 that issues pension deficit funding bonds by June 30, 2015 from the ARC requirements for the first four fiscal years of the bond issuance. Instead, it requires such a municipality to make the payments as shown in Table 8.

Table 8: ARC Requirements under the Act

Fiscal Year	*Required Contribution*
1 (fiscal year in which the bonds are issued)	At least 50% of the ARC
2	Lesser of (1) 55% of the ARC or (2) $5 million more than the first year's contribution
3	Lesser of (1) 70% of the ARC or (2) $5 million more than the second year's contribution
4	Lesser of (1) 80% of the ARC or (2) $5 million more than the third year's contribution
5 and each fiscal year thereafter	100% of the ARC

If a municipality issuing pension deficit funding bonds under these provisions fails to meet the required ARC in any fiscal year, the act authorizes the Municipal Finance Advisory Commission to require the municipality's chief fiscal officer or chief executive official to appear before the commission.

EFFECTIVE DATE: Upon passage

§ 220 — MEDICAID STATE PLAN PROVIDER EXPANSION

The act requires the DSS commissioner, by October 1, 2014, to amend the Medicaid state plan to include services provided to Medicaid recipients age 21 or older by the following licensed behavioral health clinicians: psychologists, clinical social workers, alcohol and drug counselors, professional counselors, and marriage and family therapists. Under the act, the commissioner must include the clinicians' services as optional services under the Medicaid plan and directly reimburse clinicians who (1) are enrolled as Medicaid providers and (2) treat Medicaid recipients in independent practice settings.

The act allows the commissioner to implement policies and procedures necessary to implement these changes in advance of regulations, provided he prints notice of intent to adopt regulations within 20 days of implementing the policies and procedures. The policies and procedures remain valid until final regulations are adopted.

§ 221 — UCONN AND UCHC POLICE

The act makes members of the UConn and UCHC police departments unclassified, instead of classified, state employees. Unlike classified state employees, unclassified employees are not subject to things such as (1) DAS-administered civil service examinations for hiring and promotions (CGS §§ 5-200(a) & 5-216) and (2) OPM certification for creating new positions or filling vacancies (CGS § 5-214).

By law, DAS must periodically evaluate unclassified positions held by unionized employees to determine if the positions are in the appropriate compensation plan. The act exempts the unclassified UConn and UCHC police from these evaluations. It also excludes the compensation of their nonunion members from being determined under DAS-established compensation plans.

The act requires UConn's president to establish classifications for the UConn and UCHC police using objective job-related criteria that include (1) knowledge and skill required to carry out the position's duties, (2) mental and physical effort, and (3) accountability. The president must also establish and administer all necessary examinations for the two police departments.

The law generally allows the DAS commissioner to issue orders that provide the same rights and benefits to Executive or Judicial Branch employees, whether they are union or nonunion or classified or unclassified (CGS § 5-200(p)). He cannot, however, include unclassified employees of the constituent units of higher education in this equation, which under the act, include UConn and UCHC police.

The act specifies that positions in the two police departments are within the bargaining unit that represents protective services employees (as they currently are) and cannot be severed from it. The act also makes a technical change that fixes an incorrect statutory reference.

EFFECTIVE DATE: Upon passage

§ 222 — EXEMPTION FROM AFFORDABLE HOUSING LAND USE APPEALS PROCEDURE

The act suspends the applicability of the affordable housing land use appeals procedure (CGS § 8-30g), from January 1, 2014 through December 31, 2014, in any municipality in which (1) at least 6% of the housing stock is classified as affordable and (2) the planning and zoning commission, with regard to affordable housing development applications, (a) approved an affordable housing development application on or after November 1, 2013, (b) denied such an application and it was the subject of an appeal that was pending as of April 1, 2014, and (c) was considering an application as of April 15, 2014.

Under the act, the suspension applies as of January 1, 2014 to any application filed, or appeal pending, in a municipality meeting the above criteria.

EFFECTIVE DATE: Upon passage

§ 223 — SHARON HOSPITAL SALES TAX EXEMPTION

The act expands, for the next three fiscal years, a sales and use tax exemption that applies to a hospital that meets specified criteria. It then ends the exemption.

The prior exemption applied to sales of personal property or services to an acute care, for-profit hospital, operating on that basis as of May 12, 2004, for the hospital's purposes connected with the constructing and equipping of any facility of the hospital for which a certificate of need was filed before, and was pending on, May 12, 2004.

For FY 15 through FY 17, the act instead exempts any sales of tangible personal property or services to and by an acute care hospital, operating as a "sole community hospital," as defined by federal law, exclusively for its purposes. Federal law defines a "sole community hospital" as one that is more than 35 miles from similar hospitals or located in a rural area and meets one of several other conditions (42 CFR § 412.92).

The prior exemption applied only to Sharon Hospital. Similarly, at present, Sharon Hospital is the only "sole community hospital" in the state. Existing law, unchanged by the act, exempts sales of personal property to and by nonprofit charitable hospitals.

§ 224 — "CARE 4 KIDS" PROGRAM

The act expands the list of people and families to whom DSS must give priority eligibility for child care subsidies through the Care 4 Kids program. It gives such status to any household with a child or children participating in the federal Early Head Start Child Care Partnership grant program for up to 12 months. By law, teen parents, low-income working families, and certain others already receive priority over others in the subsidy program.

Through Care 4 Kids, DSS offers, within available appropriations, child care subsidies to working families and certain others who have income under 50% of the state median income (SMI). Once a family becomes eligible, family income can rise to 75% of SMI.

§ 225 — ADMISSIONS TAX EXEMPTION FOR WEBSTER BANK ARENA

The act exempts admission charges for events held at the Webster Bank Arena in Bridgeport from the 10% admissions tax. (PA 14-47, § 49, similarly exempts admissions charges for events held at the XL Center in Hartford from the tax.)

§ 226 — ENVIRONMENTAL IMPACT REVIEWS FOR INDUSTRIAL REINVESTMENT PROJECTS

By law, state agencies must consider environmental factors when deciding to fund a project or do other things that could significantly affect the environment (environment impact evaluations (EIE)) (CGS §§ 22a-1 to 22a-1h). Under the act, any EIE the state completed for proposed improvements to the Rentschler Field Development is deemed to include any planned, proposed, or state-certified industrial reinvestment project (IRP) under PA 14-2, including its discrete parts or segments. (Neither the act nor the statutes define "Rentschler Field Development," but the term appears to refer to the sports stadium project at Rentschler Field in East Hartford. OPM approved an EIE for the project on September 18, 2000.)

IRPs are large-scale projects manufacturers may propose under PA 14-2 to receive compensation for unused state research and development tax credits. An IRP must involve at least $100 million in eligible expenditures over a period of up to five years. These include expenditures to design and construct facilities, purchase machines and equipment, conduct research and development, and hire and train employees. The amount of compensation for the unused credits depends partly on the total eligible expenditures. The compensation may be in the form of tax refunds or offsets or other financial assistance.

EFFECTIVE DATE: Upon passage

§§ 228 & 256 — MERGED REGIONAL PLANNING ORGANIZATIONS (RPO)

The act replaces existing transitional rules for RPOs (i.e., regional councils of government (COG), councils of elected officials (CEO), and regional planning agencies (RPA)) in planning regions in which a new COG is established (i.e., certified). Under prior law, transitional rules applied only when at least one CEO or RPA existed in a planning region in which a new COG was established. Under the act, similar transitional rules apply when two or more RPOs exist in a planning region in which a new COG is established. (Revised local planning regions will go into effect on January 1, 2015.)

Under the act, if a new COG is established in a planning region that already has two or more RPOs (existing RPOs), (1) the municipalities comprising the existing RPOs must negotiate a consolidation of operations and (2) a transitional period commences. During this period, the (1) individual activities of all existing RPOs continue and (2) chief elected official of each municipality in the planning region serves as a transitional executive committee. The committee has authority and responsibility for proposing and preparing the following for adoption by the new COG:

1. bylaws;

2. staffing arrangements;
3. a program of planning and implementation activities providing for the assumption of active programs of the existing RPOs that the committee deems appropriate, following appropriate due diligence and good faith negotiations;
4. a budget for such assumed programs, for a period not to exceed one year from the end of the transitional period; and
5. the date on which the transitional period terminates, which must not be later than January 1, 2015.

The committee must also select and propose candidates, who may include committee members, for election by, and to serve as officers of, the new COG.

When the transitional period ends, the new COG succeeds and is responsible for the rights, privileges, and obligations, whether statutory or contractual, of an existing RPO related to any active program that the new COG assumes. If the new COG deems it unacceptable to assume a right, privilege, or obligation, an unincorporated association of municipalities that were members of the existing RPO may administer such right, privilege, or obligation for a term determined by the member municipalities.

The act also eliminates provisions that specify the conditions under which a COG (1) is deemed a CEO and (2) may become a CEO or RPA. (PA 13-247 requires CEOs and RPAs to reestablish themselves as COGs by January 1, 2015.)

The act also makes minor related changes.

EFFECTIVE DATE: Upon passage

§ 229 — NUTMEG NETWORK DEMONSTRATION PROJECTS

The act authorizes the OPM secretary to use $1,311,198 in FY 15 from the regional planning incentive account for a grant to the Capitol Region Council of Governments (CRCOG) and the Connecticut Center for Advanced Technology (CCAT) to create statewide high-speed network (i.e., Nutmeg Network)-related demonstration projects. Of this grant, CRCOG and CCAT must use:

1. $405,750 to develop an online portal for municipal human resources services, including wage and classification information and templates;
2. $101,000 for (a) developing a pilot program allowing up to six municipalities to facilitate live Internet streaming of municipal meetings and (b) CCAT to research less expensive and more mobile equipment alternatives for broadcasting municipal meetings over the Internet;
3. $603,500 to develop an electronic document management system pilot program for up to six municipalities to (a) facilitate conversion to electronic document storage, (b) streamline file searches and storage, and (c) facilitate long-term systems and sharing of software services between municipalities;
4. $95,200 to develop a voice-over Internet protocol pilot program to provide advanced communications services, including website and video conferencing, to up to six municipalities; and
5. $105,748 to develop a hosting services pilot program for up to seven

municipalities providing customized, host software solutions and a virtual data storage environment.

Under the act, municipalities are eligible to participate in the pilot programs if they are (1) members of any COG, (2) connected to the Nutmeg Network, (3) willing to participate, and (4) capable of participating successfully. Participating municipalities must be selected in consultation with the Connecticut Conference of Municipalities.

§ 230 — OPM YOUTH SERVICES PREVENTION GRANTS

Prior law specified how OPM's Youth Services Prevention appropriations should be distributed to certain government and other entities in FYs 14 and 15. PA 14-47, § 26 eliminated a $100,000 grant to the Chester Addison Community Center for FY 15 and instead directed the funds to Domus of Stamford. The act repeals this provision and modifies these and other grant distributions for FY 15, as shown in Table 9. If OPM does not allocate a FY 15 grant to its designated recipient, the act requires the OPM secretary to reallocate the grant to one or more recipients designated for an FY 15 grant. He must notify the Appropriations Committee chairpersons of any reallocations.

Table 9: OPM Youth Services Prevention Grants

Grant Recipient	*Prior Law's FY 14 and FY 15 Grant Amounts*	*Act's FY 15 Grant Amounts*
Action for Bridgeport Community Development	$44,775	$44,700
Artist Collective	43,740	43,700
Believe in Me, Inc.	50,000	50,000
Boys and Girls Club of Greater Waterbury	60,357	60,300
Boys and Girls Club of Stamford	45,994	96,000
Boys and Girls Clubs of Southeastern Connecticut	81,104	0
Bridgeport PAL	134,326	134,200
Chester Addison Community Center	100,000	0
City of Bridgeport Office of Revitalization	67,163	67,150
City of Meriden Police Department	150,652	150,500
Communities That Care	42,177	85,900
Compass Youth Collaborative Peacebuilders Program	396,661	396,400
Dixwell Summer Stream - Dixwell United Church of Christ	100,000	99,900
DOMUS of Stamford (NEW)	0	200,000
East Hartford Youth Task Force Youth Outreach	85,303	85,200
Ebony Horsewomen, Inc.	42,177	42,150
Family Re-entry Inc. (Fresh Start	67,163	67,150

Program)		
Gang Resistance Education Training (Captain Roderick Porter)	67,163	67,150
Hartford Knights	42,177	42,150
Hispanic Coalition of Greater Waterbury, Inc.	60,357	60,300
Human Resource Agency of New Britain, Inc.	100,000	99,900
Institute for Municipal and Regional Policy	341,339	341,000
Joe Young Studios	43,740	0
Neighborhood Links Stamford	25,000	0
North End Action Team	64,579	64,500
Nurturing Families Network (New Britain)	23,715	23,700
OIC of New Britain	45,000	45,000
Pathways Senderos	45,000	45,000
Police Activities League of New Haven (NEW)	0	50,000
Police Activity League, Inc. (Long Hill Rec. Center)	60,357	60,300
Prudence Crandall Center Inc. of New Britain	20,000	20,000
r'Kids Family Center of New Haven (NEW)	0	50,000
Regional Youth Adult Social Action Partnership	44,775	44,750
River-Memorial Foundation, Inc.	60,357	60,300
Save Our Youth of Connecticut	44,775	44,750
Serving All Vessels Equally	211,584	211,400
Solar Youth New Haven	30,446	30,400
Supreme Being, Inc.	42,177	42,150
The Village Initiative Project, Inc.	134,326	134,200
Town of Manchester Youth Service Bureau Diversion Program	85,303	85,200
W.O.W. (Walnut Orange Wood) NRZ Learning Center	60,357	60,300
Walter E. Luckett, Jr. Foundation	67,163	67,150
Willow Plaza Center	60,357	60,300
Wilson-Gray YMCA	43,740	43,700
Windsor Police Department Partnership Collaboration	42,177	42,150
Writer's Block Inc. (NEW)	0	81,000
Yerwood Center	125,000	0

EFFECTIVE DATE: Upon passage

§§ 231-233 — ADJUSTMENTS IN FY 15 APPROPRIATIONS

The act modifies FY 15 General Fund appropriations enacted in the budget act (PA 14-47), as shown in Table 10. The adjustments result in a $526,814 net increase in General Fund appropriations.

Table 10: Adjustments in FY 15 General Fund Appropriations

Agency	*Purpose*	*Increase/(Reduction)*
	General Fund	
OPM	Property Tax Relief	($3,673,186)
	Reimbursement to Towns for Loss of Taxes on State Property	2,000,000
	Reimbursement to Towns for Private Property Tax-Exempt Property	2,000,000
DPH	School Based Health Clinics	200,000

The act also transfers funds appropriated for FY 15 in the budget act as follows: $500,000 for a tax study from DRS to the Office of Legislative Management and $50,000 for drug collection lock boxes from the Department of Emergency Services and Public Protection to DCP.

§ 234 — PROPERTY TAX RELIEF GRANTS

The act requires OPM to distribute a $1,126,814 appropriation for property tax relief to towns as additional grants in lieu of taxes for FY 15, as shown in Table 11.

Table 11: Property Tax Relief Grants

Town	*FY 15 Grant*
Colebrook	$15,531
East Granby	74,202
Glastonbury	8,157
Goshen	4,285
Granby	881
Harwinton	1,234
Montville	345,327
Newington	73,979
Norwich	3,211
Plymouth	577
Ridgefield	12,030
Voluntown	45,275
Waterford	60,232
Windsor Locks	481,893

§§ 235 & 236 — DCF ADOPTION SUBSIDIES

In certain circumstances, the act extends the period for which DCF may provide a periodic subsidy to a family that adopts a special needs child placed by the department. Previously, DCF could provide such a subsidy until the child turned age 18. Under the act, DCF may continue to provide a periodic subsidy for

a special needs child between ages 18 and 21 if the:

1. adoption was finalized on or after October 1, 2013;
2. child was age 16 or older when the adoption was finalized; and
3. child is (a) enrolled full-time in an approved secondary education program or program leading to an equivalent credential, (b) enrolled in a full-time postsecondary or vocational institution, or (c) participating full-time in a program or activity approved by the commissioner and designed to promote or remove employment barriers.

The act allows the commissioner, at her discretion, to waive the full-time requirement based on compelling circumstances.

It also requires DCF to annually review periodic subsidies for special needs children ages 18 to 21, instead of biennially as required if the child is under age 18. It eliminates a requirement that the commissioner perform the review in accordance with a schedule she or her designee establishes.

Upon review, DCF must continue to provide the subsidy to a child age 18 to 21 if the child's adoptive parent, at the time of review, submits a sworn statement that the child meets the above education or employment requirements.

The act also makes other minor and technical changes.

EFFECTIVE DATE: Upon passage

§ 248 — AQUATIC INVASIVE SPECIES

The act establishes an aquatic invasive species management grant and prevention and education program for DEEP to administer.

Aquatic invasive species are non-native aquatic plants or animals that tend to grow at such a rate that they displace native species and disrupt the ecosystem. They include Eurasian milfoil, fanwort, zebra mussel, quagga mussel, Chinese mitten crab, New Zealand mud snail, Asian clam, and rusty crayfish.

Under the program, DEEP may:

1. provide grants to municipalities for aquatic invasive species management efforts,
2. educate boaters on ways to prevent the spread of aquatic invasive species, and
3. conduct a rapid response to an aquatic invasive species population identified in an inland water body after July 1, 2014.

The act authorizes the DEEP commissioner to adopt implementing regulations, which may include eligibility criteria and priorities for municipal grants.

Municipal Grants

Under the act, DEEP may make grants to a municipality for up to:

1. 75% of the cost of conducting an aquatic invasive species diagnostic feasibility study related to reducing an aquatic invasive species population in an inland water body or
2. 50% of the cost of conducting a restoration project in an inland water body

by controlling and managing an aquatic invasive species population that exists there as of July 1, 2014.

Use of Funds

The act requires DEEP to use at least 30% of the funds available under the program for municipal grants and allows up to 10% of the available program funds to be used for program administration. The remaining funds must be used for the prevention and education program and rapid response efforts.

§ 250 — EDUCATION COST SHARING (ECS) PAYMENT SCHEDULE FOR WINCHESTER

The act accelerates ECS grant payments for FYs 15 and 16 for the town of Winchester. Generally, towns receive ECS grant payments as follows: 25% in October, 25% in January, and the remaining 50% in April. Under the act, Winchester will be paid, after certification by the education commissioner to the treasurer, in the following installments: 50% of the grant in October, 25% in January, and 25% in April.

§ 251 — MANUFACTURING APPRENTICESHIP TAX CREDITS

Existing law allows eligible corporations to earn tax credits for employing apprentices receiving training in manufacturing, plastics, plastics-related, or construction trades. Corporations may apply the credits against their corporation income taxes.

Beginning with income years commencing on or after January 1, 2015, the act allows S corporations, LLCs, limited liability partnerships, and limited partnerships (i.e., pass-through entities) to earn apprenticeship tax credits for manufacturing trades and sell, assign, or transfer them to other taxpayers, including corporations that may in turn claim the tax credits to reduce their corporation tax liability. By law, pass-through entities do not pay corporation income taxes; rather, (1) their owners, shareholders, and partners pay personal income taxes on their share of the income the business generates and (2) the entities pay the business entity tax.

The act allows pass-through entities to transfer the credits, in whole or in part, to one or more taxpayers. The credits may be transferred up to a total of three times.

EFFECTIVE DATE: July 1, 2015

§ 252 — RETIREMENT SALARY FOR JUDGES, FAMILY SUPPORT MAGISTRATES, AND COMPENSATION COMMISSIONERS

The act (1) reduces the retirement salary for certain judges, family support magistrates, and compensation commissioners based on when they took office and years of state service and (2) prohibits any judge from receiving more than one pension benefit as a result of his or her employment with the state. (Thus the

act bars any judge, but not a family support magistrate or compensation commissioner, who previously held another state position and was vested in that pension plan from receiving both pensions.)

Under existing law, a judge, family support magistrate, or compensation commissioner who started serving in that office on or after January 1, 1981 and (1) attains age 70 while serving or (2) is retired because of disability, must receive an annual retirement salary that is two-thirds of the salary he or she was receiving when he or she retired. Under the act, this benefit remains unchanged for those who (1) took office between January 1, 1981 and July 1, 2014 or (2) took office on or after July 1, 2014, and have 10 or more years of state service credit, as defined by the State Employee Retirement Act, at the time of retirement.

Under the act, if the judge, family support magistrate, or compensation commissioner (1) starts serving on or after July 1, 2014 and (2) has less than 10 years of state service credit at the time of retirement, the annual retirement salary is two-thirds of the salary he or she was receiving at the time of retirement multiplied by a factor determined by dividing his or her years of service by 10. The act specifies that the maximum number of years of state service for this calculation is 10 years. In so doing, the act reduces such pension benefits by 10% for each year less than 10 years of service.

EFFECTIVE DATE: Upon passage

§ 253 — MUNICIPAL VOTE ON ALCOHOLIC LIQUOR PERMIT QUESTION

By law, upon petition of at least 10% of a municipality's electors, the selectmen must issue a warning that the municipality will hold a referendum to determine (1) whether to allow alcohol sales in the municipality or (2) what types of alcohol sales permits to allow (e.g., permits allowing only on-premises or off-premises alcohol consumption). Under prior law, the referendum could be held only at a regular municipal election. The act allows such a referendum to also be held at a regular state election. By law, unchanged by the act, the petition must be submitted to the town clerk at least 60 days before the election.

EFFECTIVE DATE: Upon passage

§ 254 — RETIRED POLICE AS SCHOOL SECURITY GUARDS

The act allows a municipality or board of education to hire or contract with two additional categories of retired police officers to provide armed school security services. It does so by expanding the definition of "retired police officer" to include individuals who are sworn:

1. federal law enforcement agents who (a) meet or exceed Connecticut's POST's certification standards and (b) retired or were separated in good standing from federal law enforcement service or
2. officers from an organized out-of-state police department who (a) were certified under standards that meet or exceed POST's certification standards and (b) retired or were separated in good standing from their department.

In both cases, the individuals must also be "qualified retired law enforcement officers" as defined in the federal Law Enforcement Officers Safety Act (LEOSA). Among other things, this means the officer must have either (1) served as a law enforcement officer for 10 or more years or (2) was separated from service due to a service-related disability.

By law, to be eligible to provide armed school security services, the retired officers must also complete annual (1) public school security personnel training provided by POST and (2) firearms training that meets or exceeds POST or LEOSA standards, provided by a certified firearms instructor.

Under existing law, "retired police officers" for this purpose also include sworn members who retired or were separated in good standing from (1) the State Police or (2) an organized local police department and were POST certified.

§ 255 — SCHOOL CONSTRUCTION FOR TORRINGTON

The act waives certain school construction requirements for a school renovation and alteration project in Torrington. It:

1. waives the requirement that the local funding commitment for the local share of the project be in place before a school construction grant application is considered and
2. requires the education and construction services commissioners to give review and approval priority to the project, provided the town submits a completed grant application with funding authorization for the local share by November 30, 2014.

Under state school construction law, the state reimburses towns for a percentage of their eligible school construction costs based on a sliding scale. The scale, which is based on town wealth, ranges from 20% to 80% of the eligible costs for renovation and 10% to 70% for new construction.

EFFECTIVE DATE: Upon passage

§ 259 — COMMISSION ON MEDICOLEGAL INVESTIGATIONS (COMLI) AND THE OFFICE OF THE CHIEF MEDICAL EXAMINER (OCME)

The act repeals a provision that places the nine-member COMLI and OCME, which COMLI supervises and controls, within the UConn Health Center for administrative purposes only. Presumably, COMLI and OCME will assume their own administrative functions.

OLR Tracking: CR:Various:PF/VR:ts